

CITY OF LYNDEN



Mayor
Scott Korthuis

Council Members
Gary Bode
Ron De Valois
Gerald Kuiken
Nick H. Laninga
Brent Lenssen
Kyle Strengolt
Mark Wohlrab

Online (Microsoft Teams) City Council Meeting 205 Fourth Street, Lynden, WA, 98264 September 21, 2020

Some council members will participate in this meeting remotely through an online web-based meeting platform. Per Washington State Proclamation 20-28 in-person attendance at public meetings is prohibited at this time.

Members of the public may join the city council meeting telephonically by dialing 1-253-948-9362. You will then be prompted to enter the Conference ID 812 776 168# . It is necessary to enter the # symbol after entering the numerals.

To join the city council meeting via computer please contact the city clerk at 360-255-7085 before 5 p.m. the day of the council meeting and provide an email address so a meeting invitation can be emailed to you.

If you would like to schedule time to speak before council, please contact the city clerk **before 12:00 noon on Thursday prior** to the council meeting so that you can be added to the agenda. The time allotted to speak is up to 4 minutes. You can speak to any topic that is not on that night's agenda. Unscheduled speaking before the council is unavailable at this time.

Options to provide comments for a scheduled Public Hearing are postal mail, email, telephonically or by joining the online meeting. To join the online meeting please contact the city clerk so that a link can be emailed to you.

Call to Order

Pledge of Allegiance- None

Roll Call

Oath of Office-None

Approval of Minutes

- [1.](#) Draft Council Minutes- Regular Meeting September 8, 2020

Items from the Audience
Scheduled

Unscheduled (20 Minutes)

Audience members may address the Council on any issue other than those scheduled for a public hearing or those on which the public hearing has been closed. Prior to commenting please state your name, address, and topic. Please keep comments under 4 minutes.

Consent Agenda

- [2.](#) Approval of Payroll and Claims
- [3.](#) Coronavirus Relief Fund Requests

Public Hearing- None

Unfinished Business-None

New Business

- [4.](#) Ordinance # 1608 - Rezone of Lions Gate Property (Site Specific Rezone #20-01)
- [5.](#) Preliminary Approval of the Lionsgate MPRD – Application 20-01
- [6.](#) Terminate Agreement with YMCA
- [7.](#) Short Term Lease- “Let’s Pool Together”
- [8.](#) Statement Supporting Equality
- [9.](#) Chalk Art Drawings

Other Business

- [10.](#) Draft Public Safety Draft Minutes- September 3, 2020
- [11.](#) Calendar

Executive Session

Adjournment

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EXECUTIVE SUMMARY



Meeting Date:		September 21, 2020
Name of Agenda Item:		Draft Council Minutes- Regular Meeting
Section of Agenda:		Approval of Minutes
Department:		Administration
Council Committee Review:		Legal Review:
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	<input type="checkbox"/> Yes - Reviewed
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	<input type="checkbox"/> No - Not Reviewed
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: N/A	<input checked="" type="checkbox"/> Review Not Required
Attachments:		
Draft Council Minutes- Regular Meeting		
Summary Statement:		
Draft Council Minutes- Regular Meeting		
Recommended Action:		
For Council review.		

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CITY COUNCIL MINUTES OF REGULAR MEETING



September 8, 2020

1. CALL TO ORDER

Mayor Korthuis called to order the September 8, 2020 regular session of the Lynden City Council at 7:00 p.m. held through an online web-based meeting platform (Microsoft Teams).

ROLL CALL

Members present: Mayor Scott Korthuis and Councilors, Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lenssen, Nick Laninga, Kyle Strengtholt, and Mark Wohlrab.

Members absent: None

Staff present: Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator Mike Martin, and City Attorney Bob Carmichael.

OATH OF OFFICE- None

APPROVAL OF MINUTES

Councilor Wohlrab moved and Councilor Strengtholt seconded to approve July 22, 2020 special council meeting, and August 17, 2020 regular council minutes as presented. Motion approved on a 7-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled: None

Unscheduled- None

2. CONSENT AGENDA

Approval of Payroll Disbursed – August 16 through August 31, 2020

Paychex EFT	\$292,056.13
City of Lynden EFT.....	\$65,007.60
Warrant Liability	\$65,162.52
Subtotal	\$422,226.25
Paychex EFT Liability	\$8,152.16
Total EFT & Other Liabilities	\$430,378.41

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CITY COUNCIL MINUTES OF REGULAR MEETING

Approval of Claims – September 8, 2020

Manual Warrants No.	-	through	-		\$00.00
EFT Payment Pre-Pays					\$1,881.92
				Sub Total Pre-Pays	\$1,881.92
Voucher Warrants No.	<u>20108</u>	through	<u>20145</u>		\$84,858.97
EFT Payments					<u>\$0.00</u>
				Sub Total	\$84,858.97
				Total Accts. Payable	\$86,740.89

Resolution No. 1025-Request to Cancel Warrant #75054

RCW 39.56.040 states that any registered or interest-bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation. Upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as if such warrants had never been issued. Warrant No. 75054 has not and will not be presented for payment and should be canceled.

Berthusen Park Restroom Project Contract Award

Staff recently solicited bids for the Berthusen Park Restroom Project. One bid was received from Tiger Construction, Ltd. on August 20, 2020. Reichhardt and Ebe Engineering (R&E) prepared the attached Bid Tabulation.

After review, R&E determined Tiger Construction’s bid to be both responsive and responsible. R&E recommends that the contract be awarded to Tiger Construction, Ltd. in the amount of \$119,996.10, which includes Washington State Sales Tax.

The Parks Committee was advised of the bid results and supported awarding the contract to Tiger Construction, Ltd., as their bid was both responsive and responsible. The Committee concurred that the bid results could be forwarded directly to City Council after informing them of the results.

Award Contract for Airport Pavement Maintenance Project

Staff recently solicited small works contract bids for the Airport Pavement Maintenance Project, which is 95% funded through a WSDOT Aviation grant. A single bid was received

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CITY COUNCIL MINUTES OF REGULAR MEETING



from CR Contracting, LLC on September 2, 2020. Precision Approach Engineering prepared the attached Bid Tabulation which compares the bid with the Engineer's Estimate.

After review, Precision Approach Engineering determined CR Contracting, LLC bid to be both responsive and responsible. Precision Approach Engineering recommends that the contract be awarded to CR Contracting, LLC in the amount of \$103,309.02 which includes Washington State Sales Tax.

The City Council previously approved Resolution 1020 authorizing acceptance of WSDOT grant funding. Because of COVID-19, the WSDOT grant award was delayed. Staff is bringing this 2020 budgeted project directly to City Council intending to allow the contractor to complete the work before the end of summer.

Councilor Kuiken moved and Councilor Laninga seconded to approve the Consent Agenda. Motion approved on 7-0 vote

3. PUBLIC HEARING

Ordinance No. 1607 – Extension of the Pepin Creek Moratorium

The Pepin Creek moratorium has been in place since September of 2016. It was established in recognition of significant constraints associated with what is now known as the Pepin Creek Subarea.

Earlier this year the City Council approved the Pepin Creek Sub-Area Plan that addresses circulation, open space and assigned land use and zoning within the area. Because of the significant infrastructure improvements associated with the creek re-alignment the Council has recognized that work must be undertaken in a phased approach. Given this approach, the engineering team, Public Works, and Planning departments are developing a revised creek re-alignment plan which decreases the overall infrastructure cost.

Using revised engineering estimates and final unit counts associated with the revised approach, City staff and a consultant team are developing a strategy for the financial assessment. Results of the assessment conclusions will be used to define the next steps toward lifting the moratorium on development. Conclusions and recommendations will be brought to the City Council a little later this Fall.

Mayor Korthuis opened the Public Hearing at 7:04 p.m.

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CITY COUNCIL MINUTES OF REGULAR MEETING



Ryan Kent, 162 Rosemary Way, Lynden

Did not speak in opposition of Ordinance No.1607 but did say if the moratorium was not lifted by Spring his clients may not be able to move forward with their project.

Mayor Korthuis closed the Public Hearing at 7:04 p.m.

Councilor Lenssen moved and Councilor Bode seconded to approve Ordinance 1607 extending until March of 2021 the existing moratorium of development on those properties previously identified within the Pepin Creek Sub-area and authorize the Mayor's signature on the document. Motion approved on 7-0 vote.

4. UNFINISHED BUSINESS - None

5. NEW

Contracted Special Counsel for Upcoming Land Use Hearings

Pending land use applications and a subsequent appeal to staff's determination on the environmental review has warranted the need to provide special counsel to the City's Planning Commission.

Jon Sitkin, of Chmelik Sitkin & Davis, has been selected to provide counsel to the Planning Commission. Mr. Sitkin has represented the Commission on previous occasions. Brad Furlong, of Buri Funston Mumford Furlong, has been selected to provide counsel to the City Council.

Councilor Lenssen moved and Councilor De Valois seconded to accept the engagement letters associated with the Special Counsel for the Planning Commission and the City Council. Motion approved on 7-0 vote.

6. OTHER BUSINESS

Council Committee Updates

Councilor Wohlrab reporting for the Public Safety Committee which involved discussion of:

- Lynden Watch
- Fire Department OT reports
- Fire Department remodel going well
- Police Department monthly report

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CITY COUNCIL MINUTES OF REGULAR MEETING



- Request for City to issue a statement regarding racial equality
- 5th Medic Unit possibility that it is coming to Lynden

Councilor Lenssen voiced his support of the Lynden police department and has no interest in de-funding that department. He also encourages those in the public that wish to communicate with the city council and administration to not use social media as a means of having the initial conversation. He asked for feedback from the council as to whether the city should make a statement and what that statement should look like.

Councilor Strengholt asked whether the decision to issue a statement was made by the Public Safety Committee or the Council of the Whole? Mayor Korthuis responded that it was asked of the administration at a Public Safety Committee. A statement was routed around to Council, but it did not happen quickly, and before council had consensus it became a demand on social media.

Council members agreed to bring a statement to the next council meeting for consideration.

Council Lenssen thanked the PW department for finishing the sidewalk on Benson Road, stating that it is a great asset to that neighborhood. He also suggested that the city consider a sidewalk on either side of Northwood Road.

7. EXECUTIVE SESSION

Council recessed into executive session at 7:44 p.m. to discuss a matter of potential litigation. It was anticipated that the executive session would last approximately 15 minutes total and that a decision would not be made.

The Council meeting reconvened at 7:59 p.m.

8. ADJOURNMENT

The September 8, 2020 regular session of the Lynden City Council adjourned at 7:59 p.m.

Pamela D. Brown, MMC
City Clerk

Scott Korthuis
Mayor

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	September 21, 2020	
Name of Agenda Item:	Approval of Payroll and Claims	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	None	
Summary Statement:	Approval of Payroll and Claims	
Recommended Action:	Approval of Payroll and Claims	

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EXECUTIVE SUMMARY – Finance



Finance Meeting Date:	September 21, 2020	
Name of Agenda Item:	Coronavirus Relief Fund Requests	
Section of Agenda:	Consent	
Next Steps Proposed by Staff:	<input type="checkbox"/> Staff Revisions <input type="checkbox"/> Other: _____ <input type="checkbox"/> Return to Finance Committee <input checked="" type="checkbox"/> Schedule for full Council	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Individual Business and Non-Profit Request Summaries	
Summary Statement:	<p>The Federal Government through the United States Department of Treasury has created the Coronavirus Relief Fund (CRF). From this Fund the City of Lynden has been awarded \$651,150 in the form of grants to award to local businesses in need that have suffered loss from the impact of the Coronavirus. Both for profit and not for profit businesses were allowed to apply for this assistance. The program is administered by the Washington State Department of Commerce.</p> <p>Attached please find the summary sheets listing the eight for profit businesses and the six not for profit businesses that were awarded grants and their awarded amounts. These grants are paid to the businesses by the City of Lynden first, after which the City is required to submit proof of these payments to the Department of Commerce for reimbursement.</p> <p>The Finance Committee reviewed this information and approved it for review by the full Council.</p> <p>The City Council is being asked to give consent approval for the expenditure of the requested relief funds out of the current 2020 Budget.</p>	
Recommended Action:	That the City Council approve the initial expenditure of General Fund money in support of the Coronavirus Relief Fund understanding that those dollars will be reimbursed to the City through the Department of Commerce.	

App Number	Business Name	Requested Amount	Amount Awarded	Business Adaptation	Economic Injury Details	Name
2020239	Lynden Heritage Foundation	\$15,000	\$15,000	The museum has adjusted its programs to provide people with the educational opportunities. We have started cemetery tours at local cemeteries. We have done Facebook presentations of history. Through a generous donation we will be running local history stories in the Tribune. We are just waiting to open and have a number of methods in place to make the museum	In March the museum closed and lost a number of revenue streams. Admissions, Rentals, Archive sales, Gift Shop Sales, Donations. Although the museum received some grants in second quarter 2020, we do not have the funds to remain open from October through November. These funds were received in April of 2020 and show an increase in profit instead of a decrease. If those grants had not been received the museum would	Troy Luginbill
2020534	Hope Lutheran Church	\$6,000	\$6,000	Once schools closed, we starting delivery the bags of food to the students home every week. And since kids are home during the day we increased the amount of food we delivered by at least 50 percent each week. The schools did provide breakfast and lunches while school were closed, but a lot of our kids did not have transportation to the schools to pick up the food so our bags	I put \$00 in the 2019-2020 net profits. Our ask is for income we are not being able to raise this summer. Backpack Buddies of Lynden has many fundraisers in order to operate. Due to COVID-19 all the events for the summer were cancelled. We expected to raise at least \$3000 with our Downtown Beer Walk, \$500 scooping ice cream at the Northwest Raspberry Festival, \$1500 selling cotton candy at Hot Thursday Nights and other	Tammy Yoder
2020624	Lynden Middle & Senior PTA	\$13,000	\$13,000	Due to the cancellation of the 2020 Northwest Washington Fair, our group is unable to operate this year in any capacity which means we will have zero income to operate with.	Our booth is only open for one week in August during which time we raised \$16,000 in 2019. Without that income in 2020, we will not be able to offer the support to the various groups that we have in the past & may have to greatly reduce the size of our scholarships.	Corrine DeJong
	Project Hope	\$25,000	\$25,000			
	City Pool Reopening Project	\$30,000	\$30,000			
	Lynden Chamber of Commerce	\$25,000	\$25,000			
		\$114,000	\$114,000			

Business Name	Total Score	Requested Amount	Amount Awarded	Business Adaptation	Economic Injury Details	Name
Lynden Skateway Inc.	36	\$15,000	\$15,000	While we have been closed, we have sold roller skates, roller skating equipment, gift certificates, e-gift cards, and given away excess skating parts. Also, as we prepare to open: we have spaced out our seating area 6 feet apart, blocked off our water fountain,	Closed March 16th to Present (July 2020).	Brenda VanOrnum
Cheeks Jeans LLC	36	\$15,000	\$15,000	we have had to limit people trying on clothing because of having to pull clothing off the floor for 48 hours after they are tried on.	When WA state closed down our sales virtually were shut down also. We spent a month paying our employees as we were setting up an online store. We only had online sales for almost 2 months which was way below normal sales and even now with being open our sales are down over 50% as our P&L shows	Laura Bouma
Heartfelt Massage	36	\$12,000	\$12,000	I adhere to all Health Dept guidelines for PPE & safety measures. I only allow one person in my office at a time & I have reduced the size of my waiting area. Clients must have an appointment & they have to call or text before entering my office. No one is allowed in my office without authorization & some brief health questions. I have had to reduce my days & hours due to a reduction in clientele due to COVID-19.	March 17-July 20, 2020 my business was closed. Since returning to work, my clientele has been reduced by approximately 50% over last year at this time. I bill insurance companies for services & I don't generally get paid for those services for 45-90 days. Being out of work for 4 months & seeing reduced clientele now will affect me financially for the next 6-9 months if not longer. I have had to borrow money from friends/family to pay the rent and utilities.	Corrine DeJong
Lynden Pioneers, Inc.	36	\$15,000	\$15,000	Our business has experienced an earth shattering blow due to COVID-19. In the past we have relied heavily on business from tourists, local events, and dine in sales. We have adapted our business by offering our pies, soups, etc. in frozen take and bake format as well as many other products packaged for individual sale. We are attempting to move to online sales with our Dutch Heritage baked goods which can ship. also attempting to offer many of our	We were forced to temporarily close the Bakery on March 21 due to COVID-19 concerns and a lack of customers which caused a negative operating budget. Bakers were called back in April to begin producing adaptations to our products, reopened June 6th to customers, but business has been very slow and without tourists, 2020 revenues have fallen over 74% compared to 2019 (March-June period). We were able to reopen due to receipt of a PPP loan and subsequent EIDL loan however the funds are spent.	Chad Simmons
Ross Healthcare Inc	34	\$15,000	\$15,000	Temporarily reduced production to work within available supply chain; developed ethyl alcohol hand sanitizer product line, to be made locally for the US market.	Loss of sales from dental dealers, reduced availability of bottles, pumps and caps. Slow down from March 1 to present. Orders coming back but still very slow. At least \$100,000 in sales and cashflow.	N Michael Ross

Creative Design	34	\$7,000	\$7,000	We have taken COVID seriously and to the highest level of sanitation and safety for our clients and customers ! I hired a contractor to install plexy glasses between all 4 stations and one in between my nail station! We ordered new capes so our personal aprons and clients are changed with every client! We all wear face masks and provide for client if they do not have one. I have installed touch less soap	I closed my salon March 16 in accordance With COVID 19 Ruling and had no business until June 5. This has a huge impact as I could not service any clients! As a salon owner I installed all plexy glass and sanitation stations has cost me . I rent stations and have 3 girls quit as they are so discouraged with the lack of income. The girls can't afford rent and are emotionally struggling. I take this to heart as we are family and I hurt when they do. With no retail I don't have that income!	Raelene VanDalen
Gregory J Helgath Inc P	32	\$15,000	\$10,000	We have adapted to the current situation by increasing our sanitation , patient distancing, PPE and patient education . Unfortunately telemedicine doesn't work well in PT .Medical staff also is doing landscape maintenance , housekeeping and	Starting March 20th, 2020 we had to close our business for approximately 6 weeks. We reopened to patients on May 4th, 2020 but only to a limited patient volume. We have been unable to increase that volume due to social distancing and safety guidelines. Unfortunately rent , employee health insurance , utilities , taxes etcetera continued to accumulate . A large percentage of our patient population are athletes whose activities have been severely curtailed ..	Gregory Helgath
The Nuthouse Grill LLC	32	\$15,000	\$10,000	Implementing personal protective equipment and safety measures.	Due to shutdowns from march 13th till June 1st and the later phase 2 restrictions The Nuthouse Grill has suffered a lot of lost revenue.	Lynn Ferrier
		\$109,000	\$99,000			

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	September 21, 2020	
Name of Agenda Item:	Ord 1608 - Rezone of Lions Gate Property (Site Specific Rezone #20-01)	
Section of Agenda:	New Business	
Department:	Planning Department	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
Planning Commission Pkg of 8-13-20, Planning Commission Minutes and Findings of 8-13-20, Proposed Ordinance 1608		
Summary Statement:		
<p>AVT Consulting, as agent for the property owner, has requested a site-specific rezone of the 22-acre property located at the northeast corner of the intersection of the Guide Meridian. Formerly part of the City Bible Church campus the current project proposal is known as Lions Gate.</p> <p>The zoning request is to shift the property from an RS-100 zoning category, which is single family residential homes on lots a minimum of 10,000 square feet, to Residential Mixed Density (RMD). RMD encourages a blend of single family and cottage lots of various sizes. It also permits some attached housing product as duplexes or paired homes on individual lots. The shift in the zone would allow for a higher density of housing in a variety of lot sizes. The applicant has submitted a corresponding Master Planned Residential Development application which details how the site could accommodate 134 housing units. Current zoning would allow for approximately 95 large lot homes. The goal in creating a variety of lot sizes is to provide a range of housing products including small lot homes at more attainable price points for working families in an area of the City where services and bus lines are located nearby.</p> <p>The applicant has provided detailed responses and supporting data to the approval criteria associated with a site-specific rezone. See the Technical Review Committee report for detailed staff review and advisory comments.</p> <p>On August 13 the Planning Commission held a virtual public hearing via Microsoft Teams. The group heard a presentation from the applicant as well as comments from the public. The resulting 4-0 vote on the application was to recommend to the Council approval of the rezone proposal.</p>		
Recommended Action:		
Motion to approve Ord 1608 which shifts the residential zoning of the subject property from RS-100 designation to a Residential Mixed Density (RMD) designation and to authorize the Mayor's signature on the Finding of Facts and Conclusions of Law and Ordinance 1608.		

ORDINANCE NO. 1608

**AN ORDINANCE REZONING CERTAIN PROPERTY
IN THE CITY OF LYNDEN, WASHINGTON**

WHEREAS, the City of Lynden fixed the 21st day of September, 2020, as the date to consider the Lions Gate site specific rezone for the following property (approximately 21.83 acres) from Single Family Residential (RS-100) to Residential Mixed Density (RMD).

PROPERTY DESCRIPTION:

LOT 1, AS DELINEATED ON CITY BIBLE CHURCH LOT LINE ADJUSTMENT, ACCORDING TO THE PLAT THEREOF, RECORDED AUGUST 29, 2019 UNDER AUDITOR’S FILE NUMBER 2019-0803655, RECORDS OF WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: 1990 Main Street, Lynden

WHEREAS, the Proponents have provided the City with an affidavit for the posting of the notice of application and public hearing in three locations near the Property, and the receipts for the certified mailing of said notice to all property owners within three hundred feet of the Property; and

WHEREAS, the Lynden Planning Commission held a public hearing on August 13, 2020, at the Lynden City Hall Annex, 205 4th Street, Lynden, Washington, to accept public testimony on the proposed rezone, and that meeting was duly recorded; and

WHEREAS, Planning Commission Resolution #20-06, outlines the Commission’s recommendation of approval for the proposed Lions Gate Rezone.

WHEREAS, on September 21, 2020, the Lynden City Council did convene and inquire into the proposed change of zone, and has determined to grant the rezone request as submitted; and

WHEREAS, after careful consideration of the record for the Lions Gate Rezone request, the Lynden City Council enters the following Findings of Fact regarding the proposed rezone, provided the conditions set forth in Section 2 herein are met;

1. Notice. Proper notices of the hearing were published and posted within the vicinity of the property as required by law.
2. Location. The subject property is located at 1990 Main Street, Lynden, in Whatcom County, Washington.
3. Ownership. Petitioner, Mannahouse Church is the owner of the subject property.

4. Request. Petitioner requests that the subject property (approximately 21.83 acres) be granted a site-specific rezone from Single Family Residential (RS-100) to Residential Mixed Density (RMD).
5. Reason for Request. The rezone will provide an opportunity for infill within the City of Lynden and will offer a variety of housing types for the community.
6. Change in Conditions: Development patterns and the housing market within the community have changed since the time this property was zoned RS-100.
7. Comprehensive Plan and City Code. The proposed rezone is consistent with the Comprehensive Plan land use designation for the property; it is consistent with and satisfies applicable city codes, including LMC 17.09.040 (C); and it will further the goals of the Lynden Comprehensive Plan.
8. Public Health and Safety. The proposed rezone will promote the health, safety, and welfare of the community.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lynden, Washington, as follows:

Section 1: The zoning map of the City of Lynden and Ordinance No. 1608 adopting said zoning map are hereby amended to rezone the Property to RMD (Residential Mixed Density).

Section 2: This rezone is granted subject to the following conditions:

1. Approval of the Lions Gate Rezone is subject to the findings, conditions and recommendations of the Technical Review Committee Report dated August 4, 2020.

Section 3: 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, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 4: Any ordinance or parts or ordinances in conflict herewith are hereby repealed.

Section 5: This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor, if approved, and acknowledgment by the Petitioner, otherwise as provided by law, five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, AND APPROVED BY THE MAYOR on the _____ day of _____, 2020

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



EXECUTIVE SUMMARY - PLANNING COMMISSION

Meeting Date:	August 13, 2020
Name of Agenda Item:	Public Hearing for Site Specific Rezone Application 20-01
Type of Hearing:	Quasi-Judicial
Attachments:	
<ul style="list-style-type: none"> • Rezone application • TRC Report dated August 4, 2020 • Proposal exhibit packet – includes exhibits related to proposed Master Planned Res District 	
Summary Statement:	
<p>AVT Consulting, as agent for the property owner, has requested a site-specific rezone of the 22-acre property located at the northeast corner of the intersection of the Guide Meridian. Formerly part of the City Bible Church campus the current project proposal is known as Lions Gate.</p> <p>The zoning request is to shift the property from an RS-100 zoning category, which is single family residential homes on lots a minimum of 10,000 square feet, to the RMD category. RMD stands for Residential Mixed Density. This zone encourages a blend of single family and cottage lots of various sizes. Attached housing is permitted in the form of paired homes (zero lot line) or duplexes. Development standards associated with RMD require, among other things, that the lots adjacent to existing single family housing be similar in size.</p> <p>The shift in the zone would create approximately 135 homes on a variety of lot sizes according to a corresponding Master Planned Residential Development application. Current zoning would allow for approximately 95 large lot homes. The goal in creating a variety of lot sizes is to provide a range of housing product. Small lots and cottages are in high demand as housing at a more attainable price point than large lot single family homes averaging at prices well over \$500,000.</p> <p>The project, if approved, will fill a demand for housing on the west side of Lynden. It is adjacent to shopping, bus routes, and some of the City's largest employment centers. The corresponding MPRD concept indicates how green space and recreational trails will be provided internally to the project.</p> <p>The applicant has provided detailed responses and supporting data to the approval criteria associated with a site-specific rezone. City staff has worked closely with the applicant to bring forward a project that is consistent with the municipal code and goals of the Comprehensive Plan. See the Technical Review Committee report for detailed staff review and advisory comments.</p>	
Recommended Action:	
<p>Motion to recommend approval of the Site-Specific Rezone application 20-01 subject to the requirements of the TRC report dated August 4, 2020.</p>	

A motion made....

The following text is to help Planning Commissioners frame their motions in a consistent and organized fashion. This is a template only and Commissioners should be comfortable modifying the format and content as needed for each specific application.

*I move to recommend approval/denial of the **Lions Gate Rezone #20-01** subject to the requirements of the Technical Review Committee Report dated August 4, 2020.*

Note - conditions may be considered for a rezone but are difficult to track and enforce in the future. Conditions:

1. _____

2. _____

3. _____

A friendly amendment is a request from another Commissioner to add to or modify the motion before discussion takes place. It may also occur before the motion is supported. Any friendly amendment must be acceptable to both the original motion maker, and, if the motion is supported, the supporter.



City of Lynden

Rezone Application

Applicant Information

Name: Francine St Laurent / AVT Consulting LLC

Address: 1708 F St, Bellingham, WA 98225

Telephone Number: 360-527-9445 **Fax Number:** _____

E-mail Address: francine@avtplanning.com

Application is hereby made for a rezone as follows:

Type of Rezone Requested:

Current Zoning Designation: RS-100 Proposed Zoning Designation: RMD

Attach narrative explaining the reason for the request / zoning change

Property Information

Address: 0 Main Street

Legal Description: (Attach Additional Sheets if Necessary)

Please see attached legal description.

Property Size: 902' X 1,282'

Total Square Footage: 950,915 SF **Total Acreage:** 21.83 acres

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: *Francine St Laurent* **Date:** 4/24/2020

Pre-application meeting date: July 5, 2018

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

Fee's (RZ \$375.00 or Final Review Cost) date paid: 7/25/18 receipt # _____

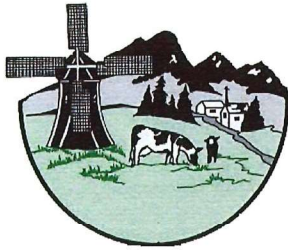


City of Lynden

Rezoning

Application Requirements

1. Completed application form for the rezoning request.
2. All applicable fees.
3. Property site map showing the following:
 - property dimensions
 - street and alley dimensions
 - footprint and dimensions of existing buildings
 - setbacks
 - other existing physical features
 - north point and scale
 - topography
4. Area map showing the following:
 - adjacent properties
 - zoning of adjacent properties
 - nearby structures and buildings
 - streets/highways
 - watercourses
 - easements
5. Project drawings showing the following (if applicable):
 - N/A building / site elevations of the proposed project
 - N/A floor plans
 - N/A landscaping plans
6. Legal description of the property. Please see attached narrative.
7. Names and addresses of all persons, firms and corporations holding interest in the property. Please see attached deed.
8. SEPA checklist.
9. A narrative regarding the background, the reason for seeking the proposed rezoning, and the effect of the proposal on adjacent areas.
10. A statement explaining changed circumstances in the area since adoption of the current zoning or a mistake in the current zoning.
11. A statement explaining how the proposed rezoning is consistent with the City's comprehensive plan, applicable sub-area plans, and with protecting the public health, safety, and welfare.
12. Critical Areas Ordinance Checklist.



City of Lynden

Critical Areas Checklist

Section: 19 Township: 40 Range: 03 Parcel Number: 400319 034471 & 400319 051539

Site Address: 0 Main Street

Proposed Uses: Residential

Please answer the following questions concerning Critical Area indicators *located on or within 200-feet of the project area:*

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, please attach a list of document titles).
 Yes No Unknown
- b. Are there any surface waters (including year-round and seasonal streams, lakes, ponds, swamps)?
 Yes No Unknown
- c. Is there vegetation that is associated with wetlands?
 Yes No Unknown
- d. Have any wetlands been identified?
 Yes No Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?
 Yes No Unknown
- f. Are there any State or Federally listed sensitive, endangered, or threatened species and habitats?
 Yes No Unknown
- g. Are there slopes of 15% or greater?
 Yes No Unknown
- h. Is the project located within a Flood Hazard Zone?
 Yes No Unknown
- i. Do you know of any landslide hazard areas?
 Yes No Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of Chapter 16.16 of the Lynden Critical Areas Ordinance.

Francis J. [Signature]
Applicant's Signature

4/24/2020
Date

CITY OF LYNDEN



TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	August 4, 2020
Project Name:	Lions Gate RZ #20-01
Applicant:	AVT Consulting, LLC. Francine St Laurent
Property Owner:	Mannahouse Church, Robert Jameson & Bruce Wood
Site Address:	1990 Main Street, Lynden
Parcel Number:	400319-051539 and 400319-034471 (The Property)
Zoning Designation:	RS-100
Application Type:	Site Specific Rezone
Parcel Size:	21.83 Acres
Hearing Type:	Quasi - Judicial
Hearing Objective:	.
Date application determined complete:	March 10, 2020
Date of Publication:	March 25, 2020
SEPA Determination:	March 18, 2020
Project Description:	The applicant is requesting to rezone approximately 21.83 acres from RS-100 to a mix of RMD and RM-3 zoning.

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).

Summary

The proposed rezone, after revision, is requesting a new zone designation of RMD – Residential Mixed Density for the entire 21.83 acre property. RMD zoning is intended to provide a zone which supports a variety of single family housing types within a single neighborhood. The rezone proposal does not include the parcel of land recently created for the Ridnour Activities Center. See staff comments below regarding the proposed zoning designations.

Other applications: Running concurrently with the site-specific rezone request is a request to subdivide the Property with a master planned residential development (MPRD). The intent of the MPRD request is to allow for additional variety in single family housing types and street layouts.

The applicant is approaching the MPRD in two steps. The first is to bring the concept for the development forward with the rezone request. Later, with approval of the concept in hand, the applicant would propose specific development standards and a development contract for the MPRD.

Proposed parcels within this development range in size from 8,000 square feet to as small as 3,000 square feet. These are designed to accommodate a range of housing types including traditional single-family homes, paired (zero lot line homes) or cottages on small lots, and duplexes. No lots have been proposed for development with more than two attached units, either duplex or zero lot line. Based on preliminary design concepts the Property is anticipated to accommodate approximately 135 residential units.

Criteria for Approval: The site-specific rezone should be reviewed in light of the City's Comprehensive planning goals. This includes increasing residential density throughout the City to an average of 5 units per acre. The housing element of the Comprehensive Plan also calls for a variety of housing types including those aimed at providing first time home buyer opportunities. Care should also be taken to consider and provide mitigation for potential impacts to the surrounding properties and the City as a whole. This includes the potential for additional traffic demands, building scale, and potential conflicts in land use. To grant this request, the Planning Commission and City Council must find that the application satisfies the criteria listed within Section 17.09.050 of the Lynden Municipal Code:

- a. The current zoning was either approved in error or that a significant change in circumstances since approval of the current zoning warrants reclassification of the subject property as proposed; and
- b. The proposed site-specific rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s); and
- c. The project proposal is consistent with the City's development codes and regulations for the zoning proposed for the project.
- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area; and
- e. The proposed site-specific rezone will promote the health, safety, and general welfare of the community.

Staff recognizes that the applicant has included detailed written responses to each of these criteria within the application package.

Planning Department Comments

1. *Proposed Zoning Designation:* Staff acknowledges that the applicant has revised the rezone request to be more consistent with unit density proposed in the Master Planned Residential Development (MPRD). This revision altered the rezone request to drop the RM-3 designation and use the RMD zoning category throughout.

Because the MPRD indicates a build out of only 135 units (an overall density of 6.2 dwelling units per acre) staff had recommended the entire site be rezoned as RMD, RM-1, or RM-2.

Due to buffer requirements staff acknowledges that the units adjacent to the Guide Meridian may be fourplexes rather than duplexes. Be advised, this variation of the RMD zoning category, which typically permits only 2 attached units, must be addressed and approved through the MPRD process.

Advisory Comments – Planning Department

2. *Design Review:* Be advised, attached housing including zero lot line housing types and duplexes, are subject to Design Review Board approval prior to permit approval.
3. *Zoning Buffers and Street Trees:* Be advised, per LMC 19.61 a Type IV landscape buffer, 10 feet in width, is required at the perimeter of multi-family properties which may border single-family properties. In addition, future development will require compliance with Chapter 18.14.130 regarding street trees and planting strips. These aspects of design must appear in the Design Review Board submittal package.
4. *Transportation Impact Fees:* Be advised, transportation impact fees will be due at the time of final approval (subdivision). The current rate of this fee is \$1309.00 per unit for multi-family and \$2111.00 for single family development.
5. *Landscape Bonding:* Be advised, performance and maintenance bonding will be required for the landscape installed at the time of development. This relates to street trees and any required landscape buffer. Bonds are due prior to issuance of final building occupancy.
6. *Environmental Review:* Conditions associated with the phased SEPA review (SEPA 20-04) which was conducted concurrently with this application will apply to the proposed development.

Advisory Comments - Public Works Department

- 7. *Infrastructure Improvements:* Be advised, at the time of future development, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards or as otherwise approved through the MPRD process.
- 8. *Stormwater Management:* At the time of future development, all plans must be designed and constructed in compliance with the Department of Ecology’s Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards. Storm drainage report per the City of Lynden and the Department of Ecology standards required.
- 9. *Stormwater Management:* Be advised, at the time of future development, a stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. An erosion control plan must be included in the drainage plan and construction plans as necessary.
- 10. *Access:* A transportation/traffic study shall/needs to be initiated to provide data for future development in-depth traffic analysis.
- 11. *Water:* If future plans include the creation of a condominium, the City recommends that each unit must be individually metered. The City Water comprehensive plan did not look at the area with the units proposed and will need to be reviewed.
- 12. *Sewer:* The City Sewer Comprehensive Plan did not look at the area with the units proposed and will need to be reviewed.

Advisory Comments - Fire and Life Safety

- 13. *Fire Code:* Future Development will require full compliance with the Fire Code.
- 14. *Fire Impact Fees:* Be advised, half of fire impact fees will be due at the time of final MPRD approval (subdivision) and the second half are due at the time of each residential building permit. The current rate of this fee is \$389.00 per multi-family unit and \$517.00 per single family home.

Advisory Comments - Parks and Recreation

15. *Park and Trail Amenities:* Staff acknowledges that the proposed development includes open space and trail features. Connections to trails and parks will be reviewed in more detail at the second step of the MPRD approval and at the time of Design Review Board approval. Public access easements will be required for trails that connect to a larger network.
16. *Park Impact Fees:* Be advised, half of park impact fees will be due at the time of final MPRD approval (subdivision) and the second half are due at the time of each residential permit. The current rate of this fee is \$546.00 per multi-family unit and \$936.00 for single family home.

CITY OF LYNDEN
FINDINGS OF FACT AND CONCLUSIONS OF LAW

REGARDING THE APPLICATION OF AVT Consulting, LLC, on Behalf of Mannahouse Church, TO REZONE PROPERTY	RZ #20-01 FINDINGS OF FACT, CONCLUSIONS OF LAW, CONDITIONS and DECISION for the Lions Gate Rezone.
Petitioner	

Mannahouse Church, owner of the premises known as:

LOT 1, AS DELINEATED ON CITY BIBLE CHURCH LOT LINE ADJUSTMENT, ACCORDING TO THE PLAT THEREOF, RECORDED AUGUST 29, 2019 UNDER AUDITOR’S FILE NUMBER 2019-0803655, RECORDS OF WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: 1990 Main Street, Lynden

Has applied to rezone approximately 21.83 acres of property from Single Family Residential (RS-100) to Residential Mixed Density (RMD). Said application having come before the City Council of the City of Lynden on September 21, 2020, and the Council having fully and duly considered said application, hereby makes the following:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.01 Application. AVT Consulting, LLC, (“Agent”) filed an application for a rezone which was accepted by the City as complete and containing all information required by LMC 17.19.010 on March 10, 2020.

1.02 Location. The property is located at 1990 Main Street, Lynden.

1.03 Ownership. Mannahouse Church is the Property Owner.

1.04 Request. To rezone property from Single Family Residential (RS-100) to Residential Mixed Density (RMD).

1.05 Reason for Request. To make effective use of land within the existing city limits where all urban services are available.

1.06 Planning Commission Recommendation. As outlined in Planning Commission Resolution #20-06, the Lynden Planning Commission recommended approval of the rezone application.

1.07 Conformance with Criteria for Site Specific Rezones. The rezone application as presented is in conformance with the criteria for granting a site-specific rezone as listed in Section 17.19.050 as follows:

- a. That there has been a significant change in circumstances since approval of the current zoning and warrants reclassification of the subject property as proposed because:
 - i. The RS-100 zone was intended to be a zone where middle-income families could afford to purchase a house. Home prices in Lynden have grown more quickly than incomes, hindering the ability of this zone to meet the needs of middle-income families and creating demand for more housing types.
 - ii. Transit lines were added on Main Street after the Property and surrounding area were designated as RS-100. The Comprehensive Plan encourages the development of residential mixed used housing near transit lines.
- b. The proposed site-specific rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s) because:
 - i. One of the primary goals states in the Comprehensive Plan is to increase average residential density to five dwelling units per acre in city limits. Section 2.5.4 of the Lynden Comprehensive Plan states, "In order for Lynden to continue to move toward its density targets of 5 dwelling units per acre, it will need to consider methods of increasing density throughout the current city limits...." The rezone provides an opportunity for infill within the City of Lynden to bring the City closer to achieving this goal of five dwelling units per acre.
 - ii. The fourth major goal of the Comprehensive Plan is that Lynden will "Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage the preservation of existing housing." The rezone would allow the development of more mixed-use housing.
 - iii. Locating multi-family housing on an established transit route (WTA bus route) is supported by the City's Comprehensive Plan - transportation goals.
- c. The project proposal is consistent with the City's development codes and regulations for the zoning proposed for the project because:
 - i. The City's development code supports infill.

- ii. Full compliance with all development codes not specifically varied herein shall be required and is achievable for development at the RMD density.
- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area because:
 - i. This area of Main Street has a large variety of housing types. The rezone offers mixed housing types which will successfully blend into the Main Street corridor.
- e. The proposed site-specific rezone does promote the health, safety, and general welfare of the community because:
 - i. The rezone would provide much-needed residential mixed use housing, ensuring that a variety of housing types are available in Lynden.
 - ii. The rezone will bring people into an area of the city close to amenities, including shopping, Lynden Academy, and transit.

1.09 Public Interest. The application does adequately meet the criteria outlined in LMC 17.19.050.

1.10 SEPA Threshold Determination. Environmental review of the proposal has been made under the requirements of Chapter 197-11 WAC and a Mitigated Determination of Non-Significance has been entered.

The foregoing Findings of Fact and Conclusions of Law are not labeled. Those sections which are most properly considered Findings of Fact are hereby designated as such. Those sections which are most properly considered Conclusions of Law are also designated as such. From the foregoing Findings of Fact and Conclusions of Law, the Council establishes the following conditions:

2. CONDITIONS

Any approval of the Petitioner’s application shall be subject to the conditions listed below:

Summary

The proposed rezone, after revision, is requesting a new zone designation of RMD – Residential Mixed Density for the entire 21.83 acre property. RMD zoning is intended to provide a zone which supports a variety of single family housing types within a single neighborhood. The rezone proposal does not include the parcel of land recently created for the Ridnour Activities Center. See staff comments below regarding the proposed zoning designations.

Other applications: Running concurrently with the site-specific rezone request is a request to subdivide the Property with a master planned residential development (MPRD). The intent of the MPRD request is to allow for additional variety in single family housing types and street layouts.

The applicant is approaching the MPRD in two steps. The first is to bring the concept for the development forward with the rezone request. Later, with approval of the concept in hand, the applicant would propose specific development standards and a development contract for the MPRD.

Proposed parcels within this development range in size from 8,000 square feet to as small as 3,000 square feet. These are designed to accommodate a range of housing types including traditional single-family homes, paired (zero lot line homes) or cottages on small lots, and duplexes. No lots have been proposed for development with more than two attached units, either duplex or zero lot line. Based on preliminary design concepts the Property is anticipated to accommodate approximately 135 residential units.

Criteria for Approval: The site-specific rezone should be reviewed in light of the City’s Comprehensive planning goals. This includes increasing residential density throughout the City to an average of 5 units per acre. The housing element of the Comprehensive Plan also calls for a variety of housing types including those aimed at providing first time home buyer opportunities. Care should also be taken to consider and provide mitigation for potential impacts to the surrounding properties and the City as a whole. This includes the potential for additional traffic demands, building scale, and potential conflicts in land use. To grant this request, the Planning Commission and City Council must find that the application satisfies the criteria listed within Section 17.09.050 of the Lynden Municipal Code.

Planning Department Comments

1. *Proposed Zoning Designation:* Staff acknowledges that the applicant has revised the rezone request to be more consistent with unit density proposed in the Master Planned Residential Development (MPRD). This revision altered the rezone request to drop the RM-3 designation and use the RMD zoning category throughout.

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Due to buffer requirements staff acknowledges that the units adjacent to the Guide Meridian may be fourplexes rather than duplexes. Be advised, this variation of the RMD zoning category, which typically permits only 2 attached units, must be addressed and approved through the MPRD process.

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Advisory Comments - Public Works Department

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must be included in the drainage plan and construction plans as necessary.

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- 15. *Park and Trail Amenities:* Staff acknowledges that the proposed development includes open space and trail features. Connections to trails and parks will be reviewed in more detail at the second step of the MPRD approval and at the time of Design Review Board approval. Public access easements will be required for trails that connect to a larger network.
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3. DECISION

Petitioner’s application requesting to rezone approximately 21.83 acres of property from Single Family Residential (RS-100) to Residential Mixed Density (RMD) is hereby **approved** by the Lynden City Council.

DATED: _____

Scott Korthuis, Mayor

CITY OF LYNDEN

PLANNING DEPARTMENT
360-354-5532



PLANNING COMMISSION MEETING MINUTES

7:30 PM August 13, 2020
Microsoft Teams Meeting

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Blair Scott and Nikki Turner, Diane Veltkamp and Gerald Veltkamp

Absent with notice: Bryan Korthuis

Staff Present: Gudde, Planning Director, Samec, City Planner

3. APPROVAL OF MINUTES

A. July 9, 2020

Faber motioned to approve the July 9, 2020, Planning Commission Minutes as submitted. Seconded by Scott and the motion passed 5-0.

4. DECLARATION OF CONFLICT

None of the Commissioners reported any ex-parte contact or conflict of interest.

5. PUBLIC HEARINGS - Quasi-Judicial Item

A. RZ #20-01, Lions Gate, 1990 Main Street, Lynden

D. Veltkamp opened the public hearing.

Gudde addressed the Commission and referred to her Executive Summary for the proposed rezone. The proposed rezone is requesting a new zone designation of RMD – Residential Mixed Density for the entire 21.83 acre property. RMD zoning is intended to provide a zone which supports a variety of single-family housing types within a single neighborhood. The rezone proposal does not include the parcel of land recently created for the Ridnour Activities Center.

Running concurrently with the site-specific rezone request is a request to subdivide the Property with a master planned residential development (MPRD). The intent of the MPRD request is to allow for additional variety in single family housing types and street layouts.

The applicant is approaching the MPRD in two steps. The first is to bring the concept for the development forward with the rezone request. Later, with approval of the concept in hand,

the applicant would propose specific development standards and a development contract for the MPRD.

Proposed parcels within this development range in size from 8,000 square feet to as small as 3,000 square feet. These are designed to accommodate a range of housing types including traditional single-family homes, paired (zero lot line homes) or cottages on small lots, and duplexes. No lots have been proposed for development with more than two attached units, either duplex or zero lot line. Based on preliminary design concepts the Property is anticipated to accommodate approximately 135 residential units.

Speaking in Favor:

Ali Taysi, AVT Consulting LLC, Agent, 1708 F Street, Bellingham
Taysi thanked both Staff and the Planning Commission.

Taysi stated that the proposed project is a site-specific rezone of the Property joined with a Master Planned Residential Development. The current zoning is RS-100. The proposed rezone would result in one new zone designation. A designation of RMD would be applied to entire property. The rezone proposal does not include the parcel of land recently created for the Ridnour Activities Center and that parcel would remain in current zoning, which is RS-100.

The retention of the RS-100 zoning for this parcel and the designation of RMD zoning adjacent to the existing neighborhood to the east will provide an appropriate transition in lot size and housing types. Lots in this area will range in size from 7,200 square feet to 8,000 square feet and would be developed with detached single-family residences. Lots in the west portion of the property would range in size from 3,000 square feet to 5,000 square feet and would be developed with either detached single-family residences or attached duplexes to fourplexes/zero lot line single-family residences.

Based on preliminary design concepts the property is anticipated to accommodate approximately 135 residential units. Under current zoning, the Property has a gross density of approximately 95 residential units. The rezone proposal therefore represents a increase in density of approximately 40 residential units. This increase in density will facilitate a more attainable housing product and price point for the residents of Lynden.

New public roads would be developed through the Property, with primary access to the new development from an existing curb cut on Main Street and secondary access via a connection to 19th Street. The road network would be designed to direct primary traffic away from 19th Street via a divided boulevard curving to the west internal to the site. Lots would be served by this main road, new internal loop roads, and/or alleys allowing for rear yard garages.

Open spaces, improved park facilities, and trails would be developed throughout the new community, connecting from existing public pedestrian facilities on Main Street and 19th

Street, and also to the northeast corner of the Property, facilitating future trail connection to areas north of the property.

Water and sewer utilities and storm water facilities would be developed within the Property to serve all new development. Storm water facilities would be designed to meet applicable State Department of Ecology regulations, already adopted by the City of Lynden.

Future traffic impacts would be analyzed at the time of development with a Traffic Impact Analysis prepared by a qualified civil engineering company. Any mitigating measures, including public road improvements if necessary, would be implemented during project development.

A buffer along the Guide Meridian is proposed in order to protect the existing stream/ditch that runs parallel to the Guide. This buffer will be enhanced with native plantings to provide a visual screen from the Guide for new residents.

The plans provided for this project are conceptual in nature, however they do reflect the proposed layout of lots, roads, utilities, open spaces and other features. The applicants engaged with a professional design firm during the summer of 2019 and conducted a design charette that involved members of the community, local designers, local builders, developers, real estate agents and other interested parties from Lynden. The result of this design charette informed the conceptual site layout, lot sizes, and housing types proposed.

The street grid, open spaces, utility planning, lot sizes, and lot layout are designed to meet applicable City of Lynden standards, except where the MPRD/PRD process is being utilized to vary from standards.

This proposed rezone would help to accommodate Lynden’s demand for new residential units, with smaller lot and home sizes, which will facilitate a more attainable price point for residents. The design is respectful of adjacent development, including a transition from a major arterial, Guide Meridian, to a higher density single-family attached and single-family detached use, to medium density single-family, and then to the existing large lot single-family residential development to the east.

The Lions Gate Group has worked on a lot of projects in Whatcom County. The goal of this project is to increase unit density and to provide a range of houses and lot sizes that is manageable for Lynden residents. This will help to serve a housing need in Lynden. Right now, it is difficult for the work force population (young families, retired parents, retail jobs etc.) to manage housing costs. These populations are definitely under served for what can be afforded in Lynden. It is important to understand that market rate affordability is not subsidized or low-income housing. These are costs that are manageable (roughly 30% of the average income income.) The City can help to achieve this goal by allowing various housing options that residents can afford.

There is a different feel to this project than the last proposal. In addition to the community meeting and design charette, the Development Team took into consideration the neighborhoods past concerns as well as the comments from the Planning Commission and staff to design, what the team feels is a very good submittal.

Taysi stated that the Commission must review the Comp Plan for consistency as well as the criteria for site specific rezones and the PRD code. Taysi stated that he is confident that the proposed development meets the criteria in which the Commissions decision should be based on.

Taysi also addressed the neighbors concern regarding a “bait and switch” style project. Taysi wants to assure the community that this will not happen. That is not what the project or the team is about. Again, this in a MPRD concept. The 2nd phase of the project will come back to the Planning Commission for approval. There will be opportunities for adjustments at that point.

Taysi addressed traffic concerns.

Taysi also addressed concerns related to stormwater issues.

Mike Bratt, Civil Engineer, Freeland and Associates, 220 W Champion Street, Bellingham

Bratt stated that the current 2012 DOE Stormwater manual will be followed. The developments Geo Technical results show a decently sandy soil with a fairly highwater table. Preliminary review indicates that rain gardens and or infiltration will not be feasible which means that a conventional detention system will be required (essentially a large underground pond.) There will be mitigation and protections in place to protect the property from overland flow. To help with overland flow, an interceptor ditch could be installed at the north property line and routed to the ditch in the Guide Meridian. Taysi sated, if designed and managed correctly, there will be no impact to the neighborhood.

The current proposal will be a benefit to the City and enhance the quality and character of the neighborhood. The proposal has been developed with significant thought and care to the surrounding neighborhood. Concerns from the neighborhood were definitely addressed.

Faber thanked Ali for putting together a great proposal and for addressing the hot button issues. With regards to traffic concerns on Main Street, has there been any traffic studies completed to date and if not, when will that take place? Taysi replied that a full detailed traffic study provided by a third party will be a condition of the second phase of the MPRD which will come back tin the future to the Planning Commission.

Faber asked what the rational to request 4-plexes was? Taysi replied, during review we realized that the buffer required along that area may extend further which would require the two duplex units to be pushed together. The preference is to construct duplexes, however, if the circumstances with the buffer do in fact exist we would like to reserve the option for a 4-plex.

Scott stated that this is an excellent proposal, however, has a bit of concerns with allowing 4-plexes.

D. Veltkamp stated that there were several comments received from the public regarding this request. Letters are in the file and names are listed here: Duana Adams, Judy Harmon Smith, Amy Hoover, Luke Wyatt (in opposition) and Murray Wood (in Favor)

Speaking in Opposition:

Fred Likkle, 949 19th Street, Lynden

Likkle has lived in Lynden for 30 years. Appreciative to hear that many of the concerns have been addressed, however, still in opposition. Many concerns about drainage. This is a very critical / sensitive area that has several 100 of acres draining to it. Challenges are far more than just housing in this area. There are also major habitat and agriculture issues. Encourage the applicants to study the area well before the proceed.

Luke Wyatt 836 19th Street, Lynden

Appreciate Taysi and the teams plan and comments. The buffer is a big improvement from what was seen earlier, thank you. The flooding and traffic in the area is a big concern of everyone in the neighborhood that will hopefully be addressed. Wyatt is concerned with the potential for increased traffic on 19th as well Main Street as it is currently not the best intersection.

Stephanie Rodgers, 1314 West View Place, Lynden

Rodgers is opposed to the proposal. Concerned with the enormous traffic and potential for flooding that this development will be create. Urge the Commission to vote no.

Mrs. Jerry Adams, 860 19th Street. Lynden

Not opposed to residential development, however, very concerned with the potential for flooding. Traffic is also a big concern and needs to be addressed. Adams feel that a lot more people would have participated if the meeting was held outside in the park. Please consider voting in opposition until the project is more settled.

Taysi appreciates the comments that were made. We recognize that traffic and stormwater issues are big. The team does understand the habitat value of the creek / ditch. A biologist is on board. The buffer will be enhanced and will contribute the health of the stream. This project will be subject to more strict standards than those in the past. The bar is set very high.

Taysi also noted that preservation of ag land is very important. If land is not densified within cities, additional pressures on surrounding agriculture land will be felt. Doing more in the urban environments will help preserve the surrounding ag land.

Traffic and mitigation will be closely looked at throughout this project. Transportation is an important component of a development and a neighborhood.

Gudde asked about the lack of park land in the area and what is being proposed with this development. Taysi stated, this project proposes roughly 5000 square feet of open space in conjunction with a trail network from Main Street to the park then north to the northeast corner of the property. Gudde asked if the park would be open to the general public? Taysi stated that those details have not been settled. The intention at this time is that the trail will be used by the general public.

D Veltkamp had questions regarding the noted open spaces between the parcels along the Guide Meridian. Those areas appear to be backyards? Will those areas be used by everyone? Taysi stated that the lots in that area are quite large, however, the areas are designed to be used by the lot owners, not as general open space. Taysi stated that the map needs to be better clarified. The intent is not to build monstrosities on these large lots, however, to provide nice yards and outdoor spaces.

G Veltkamp stated that this is a big improvement from what has been presented in the past and appreciates the effort. G. Veltkamp would like to see a 60-foot ROW through the entire site. In addition, G. Veltkamp is not in favor of the potential for rental investments as it is not necessarily homeownership? A 4-plex is typically purchased for investment purposes. Concerned that this presents too many possibilities for investment properties.

Scott stated that what is appealing about the project is the concept that nice homes could be affordable by our next generation. I would be ideal to achieve the density that the city needs and would make homeownership possible for people who cannot afford a 500,000 home.

Turner asked for confirmation that there will be two entrances off of Main Street to the proposed development. Yes.

D Veltkamp addressed the request and stated that the current zoning of the property is RS-100 lot sizes which allows a minimum of 10,000 square foot lots. The applicants are requesting to rezone the property to RMD which allows lot sizes to 6000 then further requesting to reduce the lot sizes under a PRD to 3000 square feet. Veltkamp stated that the purpose of a PRD is to be creative and to have a wide variety of lots sizes. This proposal shows a lot of repetitive lots all in a row, with large chunks being sized and shaped the same. Was there any consideration given to a better mix of lot sizes, varieties and styles?

Taysi disagrees and stated that he feels that the proposal includes a wide range and variety of lots sizes and styles. The illustrative map shows several options. There are many, many people in Lynden that will never have the opportunity to purchase a home on a large lot. The community needs this type of development so that homes can be affordable. This is a very balanced mix of lots. Segregation should not happen in neighborhoods.

The Planning Commission also had discussions regarding:

- Individual fee lots vs. 4 plex units. There is concern for rental / investment properties instead of homeownership opportunities.
- Stormwater: The stormwater plan will be prepared by a professional engineer and must be approved by the City of Lynden prior to approval of construction plans. The plan will be strictly managed under the 2012 DOE Stormwater manual. The plan must also address any impacts from seasonal high groundwater.
- Streets/ROW widths 50' vs 60', and alley widths 20' vs 24' and shared driveways.
- Concerns regarding the 3000 square foot lot sizes.

Gudde reminded the Commission that this a MPRD concept. Projects specifics will be looked at during the second phase of the PRD, which will be in the form of a public hearing with the Planning Commission. At that time, more in-depth conversation can be had and conditions can be placed on the PRD. Gudde also noted that the Fire Department has looked at the concept plan and had no glaring concerns regarding street width or access.

The Commission had no further questions.

Scott motioned to close the public hearing. Seconded by Faber and the motion passed, 4-0.

Site-specific rezones should be reviewed in light of the City's Comprehensive planning goals. This includes increasing residential density throughout the City to an average of 5 units per acre. The housing element of the Comprehensive Plan also calls for a variety of housing types including those aimed at providing first time home buyer opportunities. Care should also be taken to consider and provide mitigation for potential impacts to the surrounding properties and the City as a whole. To grant this request, the Planning Commission must find that the application satisfies the criteria listed within LMC Section 17.09.050:

- a. The current zoning was either approved in error or that a significant change in circumstances since approval of the current zoning warrants reclassification of the subject property as proposed; and
- b. The proposed site-specific rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s); and
- c. The project proposal is consistent with the City's development codes and regulations for the zoning proposed for the project.
- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area; and

- e. The proposed site-specific rezone will promote the health, safety, and general welfare of the community.

The Commission agreed that they were satisfied with the comments from the proponents regarding the 5 criteria. All requirements were appropriately documented for the rezone request.

Faber motioned to recommend to the Council the approval of the Lions Gate Rezone #20-01, subject to the conditions of the Technical Review Committee Report dated August 4, 2020. Seconded by Scott, and the motion passed 4-0.

B. MPRD Concept #20-01, Lions Gate, 1990 Main Street, Lynden

Veltkamp opened the public hearing.

Gudde stated that the primary purpose of a Master Planned Residential Development (MPRD) is to promote creativity in site layout and design by allowing flexibility in the application of the standard zoning requirements and development standards. The overall intent of the Lions Gate MPRD appears mostly consistent with the purpose of Planned Residential Developments as outlined in LMC 19.29.010.

Generally, the project provides a desirable mix of housing types. This facilitates a variety not typically available under conventional zoning methods and serves to meet the housing needs of the Lynden community.

The Commission asked what is the line between the MPRD “concept” and the actual MPRD? How binding is the “concept” if we approve it tonight? Gudde would have the expectation that the applicant would not come back with additional unit counts and or access points.

There was discussion regarding the concern for fourplex units. The Commission is not completely opposed to the idea, however as mentioned during the rezone hearing, is concerned with the possibility of rental properties. Gudde stated that the City does not have criteria to avoid rentals.

D Veltkamp also noted her concern with no maximum lot coverage specified for the development. Gudde replied that a more detailed review takes place during the second phase of the MPRD. At that time, a condition could be placed that would add a maximum lot coverage.

The Commission asked if there were design examples available for the proposed homes and asked if one builder or several would do the build out? Taysi replied, that it is likely that more than one builder will build these homes. Ali can provide some design examples at the next hearing.

Veltkamp questioned whether or not the Commission should table the hearing so that the proponents can rework some of the issues / concerns noted this evening and come back at a later date? Gudde replied, that the intent of a two-step process is that the concept is approved and then the details be ironed out in the second phased. Gudde would recommend that the Commission make a recommendation to Council this evening.

Veltkamp stated that the Commission has never seen a two-step MPRD process so this is new to us and we want to make sure we do it correctly. This proposal is a “pilot” development. There are many alterations being asked for and the Commission does not take it lightly. We have standards for a reason.

Scott motioned to close the public hearing. Seconded by Faber and the motion passed, 5-0.

Planning Commission Discussion:

- 50 vs 60 ROW
Fire and Public Works have looked at it and are fine with the request. There is parking on one side, not both so that does provide better circulation. 50 is okay.
- 5000 – 3000 square foot lot sizes
Is there a happy medium to propose that 4000 square feet is the minimum lot size or to allow some at 3000 but not as many as proposed? Paired housing and town homes located on smaller lots should be on green spaces.
- 4 plex vs duplex:
Prefer to limit the amount of 4-plex units or require a max percentage. 4-plexes should be located on the Guide Meridian only.
- Clarify that that the noted open space between the duplex lots it is not actually open space, it is yard space.
- Critical Areas:
Mitigation along the Guide Meridian.
- Stormwater infiltration:
Faber feels comfortable, the manual is far superior to what any of the other lots or developments in the area have been designed to.
- Encourage lot lines for the northern and southern town home parcels and along the west as well. This will help with home ownership and detour the 1 building for multiple renters.

- Maximum lot coverages permitted within the development. The Commission is comfortable with looking at this during the second phase. The applicants can come back with percentages that they would hope the PC would be comfortable with.

Faber motioned to recommend to the Council the approval of the Lions Gate MRPD Concept #20-01, subject to the conditions of the Technical Review Committee Report dated August 4, 2020 and further subject to the following conditions:

- 1. That the maximum unit count be no more than 134 units.**
- 2. That paired housing lots be a minimum of 3000 square feet, single family detached lots a minimum of 4000 square feet and single family detached lots adjacent to green space be a minimum of 3500 square feet.**
- 3. That there be a variety of townhomes and 4-plex units with the 4-plex units being permitted along the Guide Meridian only.**
- 4. That the reference to open spaces between the duplex / 4-plex buildings along the west side of the development be removed and considered part of the lot.**
- 5. That zero lot lines be added to separate the townhome lots south along Main Street.**

Seconded by Scott, and the motion passed 4-0.

6. COMMISSIONERS CORNER

Brief discussion regarding Cedarbrook PRD meeting timeline. More details to come next week regarding setting a hearing dates.

7. ADJOURNMENT

Motion to adjourn by Scott / Second by Faber. Meeting adjourned at 10:25 pm.

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	September 21, 2020	
Name of Agenda Item:	Preliminary Approval of the Lionsgate MPRD – Application 20-01	
Section of Agenda:	New Business	
Department:	Planning Department	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:		
Proposed Findings of Fact and Conclusions of Law, Supplemental summary of the MPRD and Approval Process (See corresponding agenda item, Ord 1608, for Planning Commission package and minutes of 8-13-20)		
Summary Statement:		
<p>AVT Consulting, as agent for the property owner, has requested the approval of a Master Planned Community (MPRD) concept for the 22-acre property located at the northeast corner of the intersection of the Guide Meridian. Formerly part of the City Bible Church campus the current project proposal is known as Lions Gate.</p> <p>The request for the 135 home MPRD is coming forward concurrently with a zoning request is to shift the property from an RS-100 zoning category to the RMD category (Residential Mixed Density). The RMD zone encourages a blend of lot sizes and housing types as compared to the 10,000-sf minimum of RS-100. Staff’s review concluded with a recommendation of approval. (See attached supplemental summary for more information.)</p> <p>On August 13, the Planning Commission held a virtual public hearing via Microsoft Teams. The group heard a presentation from the applicant as well as comments from the public. The resulting 4-0 vote on the application was to recommend to the Council approval of the proposed concept with some specific conditions. These are:</p> <p>(1.) That the maximum unit count be no more than 134 units. (2.) That paired housing lots be a minimum of 3000 square feet, single family detached lots a minimum of 4000 square feet, and single-family detached lots adjacent to green space be a minimum of 3500 square feet. (3.) That there be a variety of townhomes and 4-plex units with the 4-plex units being permitted along the Guide Meridian only. (4.) That the reference to open spaces between the duplex / 4-plex buildings along the west side of the development be removed and considered part of the lot. (5.) That zero lot lines be added to separate the townhome lots south along Main Street.</p>		
Recommended Action:		
Motion to approve the Lionsgate MPRD Concept as recommended and conditioned by the Planning Commission and to authorize the Mayor’s signature on the corresponding Findings of Fact and Conclusions of Law.		



Meeting Date:	September 21, 2020
Name of Agenda Item:	Preliminary Approval of the Lions Gate MPRD
Supplemental Agenda Item Summary:	
<p>Residential Mixed Density (RMD) Zoning</p> <p>RMD zoning is a residential zoning category that encourages a mix of housing types and variable lot sizes. Recently the City revised the code to prohibit triplexes but allow for paired housing (zero lot line). That is, 2 homes, each on its own lot, which share one common wall. The minimum lot size for each of these units is 4000 square feet. RMD also allows detached single-family homes on smaller lots of 6000 square feet which is smaller other zoning categories. However, RMD also requires that minimum lot sizes meet 80% of the size of any adjacent single-family zoning categories. As a result, lots located next to RS-100 zoning must be at least 8,000 sf in size.</p> <p>Master Planned Residential Development</p> <p>The Lionsgate project proposes a concept that is generally consistent with the development standards of the RMD zoning category. However, several site-specific standards are requested through the MPRD that offer additional flexibility in response to factors at hand:</p> <ul style="list-style-type: none"> • Reduction of some secondary streets from a 60-foot right-of-way to a 50-foot right-of-way to decrease run-off in an area where shallow ground water creates a significant stormwater challenge. • Utilize lot sizes which are less than the 4,000 sf (attached housing types) or 6,000 sf (detached housing types) as permitted in RMD to provide more common area and reach a more attainably priced housing type. • Request use of four-plex models when RMD typically limits attached housing to no more than two units. This occurs along the west edge of the property where stream buffering constrains developable area. <p>Approval Process:</p> <p>The applicant of the Lions Gate MPRD is utilizing a provision of the City’s municipal code that allows for the request for the planned residential zoning overlay to occur in two steps. The first step initiates environmental review and brings forward the primary concepts of the neighborhood design, maximum density, housing types, and any site-specific standards requested. The second step includes the creation of the neighborhood’s development standards, development agreement with the City, and CC&R’s. Both steps are subject to public review at open record hearings before the Planning Commission and subsequently brought to Council for final approval.</p> <p>If the Lions Gate MPRD concept is approved the applicant will move forward with creating the associated development standards and agreement which will be brought to the Council for approval.</p> <p>The associated rezone application of the subject property to RMD could be approved independently of the proposed MPRD. However, the MPRD concept is dependent on the approval of the rezone to allow a density of more than 4 units per acre as currently permitted under the RS-100 zoning category.</p>	

CITY OF LYNDEN
FINDINGS OF FACT AND CONCLUSIONS OF LAW

REGARDING THE APPLICATION OF AVT Consulting on behalf of Mannahouse Church, TO SUBDIVIDE PROPERTY Petitioner	MPRD #20-01 FINDINGS OF FACT, CONCLUSIONS OF LAW, CONDITIONS and DECISION on the Lions Gate MPRD #20-01
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Mannahouse Church, owners of the premises known as:

LOT 1, AS DELINEATED ON CITY BIBLE CHURCH LOT LINE ADJUSTMENT, ACCORDING TO THE PLAT THEREOF, RECORDED AUGUST 29, 2019 UNDER AUDITOR’S FILE NUMBER 2019-0803655, RECORDS OF WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: 1990 Main Street, Lynden

Has applied for a Master Planned Residential Development requesting to develop approximately 21.83 acres into 110 residential lots (135 units) within the RMD zone. The Lynden Planning Commission held a public hearing on August 13, 2020, and recommended approval to the City Council. Said request having come before the Lynden City Council on September 21, 2020, and the Lynden City Council having fully and duly considered the request, hereby makes the following:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.01 Application. AVT Consulting, LLC, (“Agent”) filed an application for a rezone which was accepted by the City as complete and containing all information required by LMC 17.19.010 on March 10, 2020.

1.02 Location. The property is located at 1990 Main Street, Lynden.

1.03 Ownership. Mannahouse Church is the Property Owner.

1.04 Request. To allow the MPRD / subdivision of property into 135 residential units (110 lots) within the Residential Mixed Density) (RMD) zone.

1.05 Reason for Request. To make effective use of land within the existing city limits where all urban services are available.

1.06 Planning Commission Recommendation. As outlined in Planning Commission Resolution #20-07, the Lynden Planning Commission recommended approval of the Master Planned Residential Development Concept application.

1.07 Conformance with Zoning and Comprehensive Plans. The subdivision of the Property proposed in the application is in conformity with City zoning ordinances, comprehensive plans, and all other applicable City development regulations including Chapter 17.15 LMC.

1.08 Compliance with General Requirements for Subdivision Approval. The application complies with Chapter 18.06 LMC, General Requirements for Subdivision Approval, as applicable.

1.09 Compliance with Lot and Plat Design Standards. The application complies with lot and plat design standards as required under Chapter 18.14 LMC, as applicable.

1.10 Compliance with Project Manual for Engineering Design and Development Standards. The application complies with the development standards and requirements set forth in Title 18 LMC and with the Project Manual for Engineering Design and Development Standards.

1.11 Appropriate Provisions for Promoting Health, Safety and General Welfare. The application makes appropriate provisions for public health, safety and general welfare.

1.12 Open Spaces, Streets, Roads, Sidewalks and Alleys. The application makes appropriate provisions for public open spaces, roads, streets, sidewalks and alleys.

1.13 Potable Water Supplies, Sanitary Wastes and Drainage Ways. The application makes appropriate provisions for public drainage ways, potable water supplies and sanitary wastes.

1.14 Public Interest. The application results in additional infilling within the City consistent with the City's Comprehensive Plan and the Growth Management Act. The public interest will be served by the approval of the application.

1.15 Critical Area Review. The Critical Area checklist for this project has been submitted and requires no further review.

1.16 SEPA Determination. Environmental review of the proposal has been made under the requirements of WAC 197-11 and a mitigated determination of non-significance has been made.

The foregoing Findings of Fact and Conclusions of Law are not labeled. Those sections which are most properly considered Findings of Fact are hereby designated as such. Those sections which are most properly considered Conclusions of Law are also designated as such. From the foregoing Findings of Fact and Conclusions of Law, the Council establishes the following conditions:

CONDITIONS

Any approval of the Petitioner’s application shall be subject to the conditions as listed below:

Lynden Municipal Code (LMC) 19.29 guides the development standards and criteria for approval for Master Planned Residential Developments (MPRDs). The Lions Gate proposal appears to meet the following requirements consistent with the LMC:

Intent: The primary purpose of a Master Planned Residential Development (MPRD) is to promote creativity in site layout and design by allowing flexibility in the application of the standard zoning requirements and development standards.

The overall intent of the Lions Gate MPRD appears mostly consistent with the purpose of Planned Residential Developments as outlined in LMC 19.29.010. Provisions for critical areas should be strengthened. See staff comments below regarding this issue.

Generally, the project provides a desirable mix of housing types. This facilitates a variety not typically available under conventional zoning methods and serves to meet the housing needs of the Lynden community. This is consistent with the Lynden Municipal Code but also the goals identified in Chapter 1.6.2 of the City of Lynden Comprehensive Plan.

Unit Density: Running concurrently with the MPRD is a request for a site-specific rezone. The current zoning of the property is Residential Single Family with a minimum lot size of 10,000 square feet (RS-100) and a maximum density of 4 units per acre. RS-100 zoning allows for up to 95 units, a maximum density of 4 units per acre. In light of the City’s comprehensive goals and the Properties proximity to transportation corridors, the applicant is seeking zoning categories that permit a higher density. If successful, the rezone would allow the proposed 135 units, an average gross density of 6.2 units per acre.

Generally, the proposal locates low density housing types adjacent to the single-family neighborhood that exists along 19th Street. These are single family units on lots of 7,000-8,000 square feet. Housing types become more dense, in the form of zero lot line units and duplexes, on the west side of the property adjacent to the Guide Meridian.

Parking Requirements: Proposal demonstrates compliance with minimum parking requirements per LMC 19.29.060(C) and driveway lengths. Additionally, the proposal includes on-street parking on both sides of right-of-ways which are 60 feet wide and one side of right-of-ways 50 feet wide consistent with LMC 19.29.060(E). See staff comment below regarding a request for an on-street parking graphic.

Pedestrian Connections: As noted in 19.29.060(6), in addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including paved pathways to front doors, and trails within or adjacent to open space areas. The proposal provides these connections and shows sensitivity to the City of Lynden’s long range trail plan.

Open Space Standards: An MPRD shall set aside a minimum of seven and one-half percent (7.5%) of the gross land area or 4,000 square feet, whichever is greater, for active recreational uses. The proposal has indicated that area reserved for open space equals 18.3%. Be advised that to comply with LMC 19.29 open space shall require a recorded deed restriction or restrictive covenant which runs with the land and assures that said property will remain in open space in perpetuity, consistent with the terms of this chapter, and which shall be held and maintained for such purposes for the common benefit of residents of the development by a homeowner's association.

A minimum of 30% of the required open space shall be suitable for active recreational purposes. The proposal indicates that the reserved open space will be suitable for active recreational purposed and has proposed pedestrian access points to these areas.

Specific Project Comments from the Technical Review Committee:

The application was reviewed against the applicable chapters of the LMC and the Engineering Design and Development Standards and the comments generated have been included below.

Applicant Response Required: Applicant will be required to provide written responses to each staff comment below. Advisory comments should be acknowledged or confirmed.

Planning and Development

1. Approval Process: Be advised, if approved, the proposed concept for the Lionsgate MPRD will be required to return to the Planning Commission within the setting of a public hearing to finalize the design standards and development agreement associated with the plan. The neighborhoods CC&R's will also be reviewed during this process.

2. Critical Areas: The western property line of the development is impacted by a fish-bearing waterway that runs parallel with the Guide Meridian. The proposed neighborhood design notes the buffer associated with this waterway. Standard buffer for this time of waterway is 100 feet. However, buffer reductions and averaging are opportunities that the Lynden Municipal Code provides with appropriate mitigation under specific criteria. The revised site plan notes compliance with LMC 16.16.380. Be advised, details of the buffer and mitigation must be addressed through the phase SEPA review and associated critical areas report prior to the second public meeting with the Planning Commission on the Planned Residential Development.

3. Minimum Lot Size and Architectural Variety: Per LMC 19.29.060(I) the minimum lot size for single family homes within a PRD is 5,000 square feet. The application proposes a deviation from this standard and addresses the associated criteria in the application package. Staff acknowledges that applicant has provided exterior architectural examples of single-family homes and

duplexes / zero lot line homes. Please identify which of these could utilize lots as small as 3,000 square feet. Additionally, please address how architectural variety will be introduced on these more compact sites. Staff will subsequently recommend that the future development agreement and CC&Rs create standards which would require architectural variety within the development.

4. Garage Elevations: The residential design standards described in LMC 19.22.030(D)(2) limit the percentage of building elevation that can be occupied by garage doors to no more than 60% of the street elevation. Be advised, this standard will apply to the home proposed within the Lionsgate PRD unless an alternate design standard is a proposed and approved in the development agreement.
5. Residential Design Standards: Be advised, the homes proposed within the MPRD will be subject to the design standards of LMC 19.22. These also include articulations on building elevations that face toward public streets or shared green spaces, exterior finish details, porches and stoops, and the screening of mechanical equipment. Staff recommends these standards be reviewed in detail to ensure compliance with these standards will be achievable within the proposed MPRD.
6. Garage Forward Design: Be advised, per residential design standards of LMC 19.22, both attached and detached garages shall not extend forward of the home's living space by more than 12 feet.
7. On-Street Parking: Staff acknowledges that the applicant has provided a graphic which shows the areas of the development where on-street parking will be permitted and if parking will be available on one or both sides of the street.
8. Alley Loaded Residential Development: Staff is supportive of some alley-loaded residences as it creates a streetscape that is more pedestrian friendly (no driveway cuts, the inclusion of front porches, etc). Planning staff recommends that the proposed alleys within the development be maintained as common area under private ownership. Additionally, these items should be addressed in the development agreement and CC&R document:
 - Minimum pavement width.
 - Minimum setback of fences, structures, shrubs and trees which will facilitate the requirement for 24 feet clear as indicated by the Public Works Department.
 - A "no parking" condition and associated signs within the alleys.
 - Garbage pick-up and container storage.
9. Area Break-down: Whatcom County and the City of Lynden have been mandated to participate in an annual report provided to the State which tracks achieved housing density. In an effort to track accurate data for this program all plats and lot line adjustments will be required to provide supporting data. Please

provide on the face of the drawing a table which breaks down the total area of the plat drawing after the lot line adjustment into the categories shown below. Note that in some instances the area may be zero and that “other infrastructure” could refer to area used for sewer pump station, stormwater ponds, etc.

	Plat Area (in sq ft)
Gross plat area	
Reserve tracts	
Critical areas (including buffers)	
Right of ways (ROWs)	
Other infrastructure	
Net developable	
Percent ROW and Infrastructure	%

10. Lot Design-Frontage: In the future development agreement, please address standards for minimum frontage requirements for residential lots.
11. Utility Easements: Per 18.14.075, of the LMC requires 5-foot utility easements around the interior property line of all residential lots. If a deviation to this requirement is requested, it must be included in the future development agreement.
12. Street Trees: Be advised, per Sec. 18.14.120, the developer will be required to provide street trees within the dedicated public utility easement adjacent to the street, preferably between the curb and the sidewalk. Without blocking view triangles, there shall be a minimum of one tree per lot with a maximum of fifty feet between trees. Maintenance of street trees shall be the responsibility of the adjoining property owner.
13. Homeowners Association Required: Be advised, per LMC 19.29.130 the MPRD shall have a homeowner’s association and enforceable covenant to fund and effectively collect fund for such and organization. Associated agreements and covenants shall apply to all the property with the PRD, shall be recorded and shall run with land. Within one year of preliminary approval the final development contract and the community’s covenants, conditions and restrictions (CC&R’s) must be presented to the Planning Commission for review and City council for approval. CC&R’s must include a management plan for common open space, trails, alleys, mitigated areas, and conservations easements if utilized.

Public Works

- 14. Public Improvements: Be advised, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards or an equivalent approved through the Planned Residential Development process.

- 15. Plat/Interior Street Improvements: If the applicant proposes an alternate frontage improvement plan different than City standard for approval it must provide adequate turn-around within public right-of-way and address the needs of the proposed development (ex. parking, life safety, delivery, waste collection etc.) Any proposed alley shall be private with a minimum clear width of 24-feet.

- 16. Off-site Street Improvements: Proponents traffic study must address all phases/impacts of the proposed project. Traffic study must meet requirements of City standards. Additional right-of-way may be needed to address west bound right turn movements.

- 17. Stormwater
 - a. A stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. This must also address any impacts from seasonal high groundwater. The area experiences overland water flow from the north. The developed areas shall be raised, or other approved methods submitted for approval to prevent future drainage issues. An interception ditch along the north property line conveying flows to the Guide Meridian (SR-539) ditch is needed. An erosion control plan must be included in the drainage plan and construction plans as necessary.

 - b. All plans must be designed and constructed in compliance with the Department of Ecology’s Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards.

 - c. Stormwater from public streets may be infiltrated within the dedicated right-of-way, or within a separate dedicated tract, if approved/accepted by the City, but may not be within the street prism. Infiltration areas and street trees should have adequate separation to insure the proper functioning of the drainage system and survival of the tree.

 - d. A Construction National Pollutant Discharge Elimination System (NPDES) permit may be needed.

 - e. The Guide Meridian Ditch is considered Fish Barring by WDFW and a buffer of the proposed 50 feet may not meet their standards.

- f. Proposed lot sizes may make it difficult for any form of onsite facilities to be installed on the lots.

18. Water

- a. As per 6.2 (M) of the City of Lynden Project Manual for Engineering Design and Development Standards.
- b. As per LMC 18.14.150, the main water line shall be extended to the furthest extent of all properties of this PRD unless it is determined that services, including life-safety are adequately provided elsewhere.
- c. A 20-foot utility easement is required if only water is located within it. If two public utilities are in an easement the minimum width is 30 feet equally spaced.
- d. Each house and/or unit within this plat must be individually metered. Water meters must be located within the City right-of-way or unit / access easement.
- e. Proposal has more units that was anticipated per water comprehensive plan and will need to be reviewed for impacts that may require offsite improvements.

19. Sanitary Sewer

- a. Sanitary sewer and water system design and construction must meet the requirements of the City of Lynden Engineering Design and Development Standards.
- b. The sewer line must be extended to the furthest extend of all properties per City development standards of the proposed development unless it is determined that services are adequately provided elsewhere.
- c. A sewer easement of 20 feet is required for all public systems. If more than one public utility is within the easement the easement shall be 30 feet.
- d. Proposal has more units that was anticipated per sewer comprehensive plan and will need to be reviewed for impacts that may require offsite improvements.

Fire and Life Safety

20. Hydrant Requirements: The installation of fire hydrants will be required. Code requires that fire hydrants be installed at intervals not to exceed 500-feet in single family areas and 300-feet in multi-family areas. The final hydrant location will be determined upon review of civil plans and must be approved by the Fire Department.

21. Street Addressing: Addresses that cannot be seen from the city street must be posted at both the access easement and on the house.
22. Fire Code: Future Development will require full compliance with the Fire Code.
23. Fire Impact Fees: Be advised, half of fire impact fees will be due at the time of final development approval (subdivision and half of the fire impact fee will be due at the time of building permit. The current rate of this fee is \$389.00 per multi-family unit and \$517.00 per single family home.

Parks and Recreation

24. Trail Dedication: Be advised, dedication of a public trail easement or the granting of public access on trails through an associated restrictive covenant will be required as a condition of the final Master Planned Residential Development approval.
25. Park Impact Fees: Be advised, park impact fees will be due at the time of permit. The current rate of this fee is \$546.00 per multi-family unit and \$936.00 for single family home.

Advisory Requirements

26. Civil Drawings: The construction drawings for any civil and utility improvements must be submitted for review and approval prior to construction. These drawing must illustrate that the utility improvements and extensions meet the standards listed within the Project Manual for Engineering Design and Development Standards, unless they have been specifically varied by the approval of the plat. It is the project engineer's responsibility to be aware of these standards.
27. Civil Review Deposit Required: Be advised, a review deposit of \$200 per lot, \$2,000 minimum, to review the construction plans and a plat / PRD construction inspection deposit of \$350 per lot, \$5,000 minimum, is due prior to review and construction respectively.
28. Bonding Requirements: A post construction maintenance bond in the amount of 10% of the construction costs for public facilities will be required prior to final plat approval.
29. Surveying: All surveying work and engineering design must be based on the City of Lynden survey control monuments. AutoCAD files for all improvements must be provided to the City in digital format approved by the City. A copy of the City's control monuments is available to the project consultant for their use.
30. Expiration of Preliminary Approval: Petitioner shall record the final subdivision, PRD and Development Agreement with the County in conformance with LMC 18.06.010.2, 18.06.020 and 18.06.030 within five (5) years of the date this

preliminary approval becomes final, after which City approval of this application shall become void; provided that, this one year deadline may be extended for up to one (1) additional year upon application to and approval by the City Council.

- 31. Property Addressing: Be advised, all street addressing must follow the requirements of the Lynden Municipal Code. Addresses will be assigned by the Public Works Department prior to final PRD approval.

II. DECISION

Petitioner’s application to subdivide the parcel described herein into 110 lots (135 units) known as the “Lions Gate MPRD”, for future development is hereby **Preliminarily Approved** subject to the conditions set forth in this document.

DATED: _____

Scott Korthuis
Mayor



AVT CONSULTING
LAND USE / PERMITS / FEASIBILITY

**LIONS GATE APPLICATION
FOR PLANNED RESIDENTIAL
DEVELOPMENT AND REZONE**

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City of Lynden

Planned Residential Development Approval Process

Pre-application Meeting (MANDATORY)

Applicant or agent meets with the Technical Review Committee for a “feasibility review” and to discuss fees, time frames for completion of the project, and early issues with the project.

Application Review and Determination of Completeness

City staff reviews all application materials, makes a determination of completeness, and notifies the applicant within 14 days of receiving the application that the application is complete or what information is missing.

Publication of Legal Notice of Application and Project Proposal

City staff is responsible for publishing a legal notice of application and public hearing on the proposed project. Legal notices of application must be published at least 14 days prior to the public hearing.

Certified Mailing to Surrounding Property Owners

The proponent or applicant is responsible for notifying surrounding property owners within 300 feet of the project proposal. Property owners must be given at least 14 days written notice of the application by certified or registered mail. In addition to the mailing, three copies of the legal notice must be posted within 300 feet of the project. A notarized affidavit of the postings and receipts for the certified mailings must be turned over to the Planning Department at least 10 days prior to the hearing date.

Technical Review Committee (TRC) Report and Recommendations

The TRC is notified of the application and reviews it for compliance with City plans and regulations, coordinates necessary permit reviews and identifies the development’s environmental impacts. The TRC consists of representatives from Fire, Parks, Public Works, Planning, and the Administration Department. The applicant is mailed a copy of the report, and it is also forwarded to the Planning Commission as part of the record for the hearing.

SEPA Determination and Publication of Legal Notice

All development permits require a SEPA checklist, except short plats and other projects exempted by WAC 197-11 and LMC 16.05.070. Final SEPA determinations cannot be made until the required 14 day comment period on the application has expired. Also, a second certified mailing stating the SEPA determination and public hearing date must be sent to surrounding property owners.

Public Hearing at Planning Commission

The Planning Commission makes its recommendation for approval or denial after reviewing and considering the project application materials, the TRC report, and any written or oral testimony in reference to the request. The Commission then forwards its resolution outlining the decision, its findings, conclusions and recommendations to the City Council for consideration.

Consideration by City Council

The City Council makes a decision based upon the Planning Commission’s recommendation and the record established at the Planning Commission hearing. The Council may issue Findings of Facts and Conclusions of Law, outlining their decision.

Publication of Legal Notice of Decision

City staff is responsible for publishing a legal notice of final decision on the project. This legal notice, along with a copy of the Planning Commission resolution is mailed to the applicant, specifying any conditions of the decision.



City of Lynden

Planned Residential Development Application Requirements

1. *Completed PRD application form.*
2. *All applicable fees.*
3. *Area map showing the following:*
 - adjacent properties*
 - zoning of adjacent properties if different than site zoning*
 - topographical data as per Chapter 18.16*
 - N/A *watercourses*
 - easements*
 - parks, playgrounds, or other public uses (if any)*
4. *Master plan showing the following:*
 - project name*
 - written narrative explaining proposed development restrictions (i.e. setbacks, lot coverage etc.)*
 - street systems, watercourses, unique and sensitive natural features, forest cover, plat lines and plat designs.*
 - areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, schools sites, common open space, public buildings, and similar public and semi-public uses.*
 - N/A *areas designated for recreational buildings, clubhouses, country club facilities and the nature and extent of such facilities.*
 - proposed building areas and densities, setbacks and height.*
5. *General utility plan showing the following: (prepared by a licensed Land Surveyor)*
 - project name*
 - location of utilities and contours at five foot intervals.*
 - existing and proposed utility systems including sanitary sewers, storm sewers, water, electric, gas and telephone lines.*
6. *Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned residential development and any of its common open areas.*
7. *A development schedule indicating the following:*
 - approximate date when construction of the project can be expected to begin.*
 - stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.*
 - the anticipated rate of development.*
 - approximate dates when the development of each stage will be completed.*
 - area and location of common open space that will be provided at each stage.*

- 8. *The following plans where applicable as determined through pre-application meeting.*
 - off-street parking and loading plan.*
 - a circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development and to and from existing thoroughfares..*
 - any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern must be shown.*
 - landscaping and tree planting plan.*
 - An economic feasibility report or market analysis.*

- 9. *Legal description of the property.*

- 10. *Title and Certificates including names and addresses of all persons, firms, and corporations holding interest in the property.*

- 11. *SEPA checklist*

- 12. *Critical Areas Ordinance Checklist.*

- 13. *Traffic Impact Checklist*



City of Lynden

Planned Residential Development Application

General Information:

Property Owner

Name: Mannahouse Church, Robert Jameson and Bruce Wood

Address: 9200 NE Fremont St, Portland, OR 97220

Telephone Number: 503-310-9414 Fax Number: _____

E-mail Address: bruce.wood@frednw.com

Applicant (Agent, Land Surveyor or Engineer)

Name: Francine St Laurent / AVT Consulting LLC

Address: 1708 F St, Bellingham, WA 98225

Telephone Number: 360-527-9445 Fax Number: _____

E-mail Address: francine@avtplanning.com

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

Property Information:

Project Location (street address / block range): 0 Main Street (corner of Main & Guide Meridian)

Legal Description (attach if necessary): See attached legal description.

Description of Property:

Total Acreage: 21.83 acres Zoning Classification: Residential

Total Number of Units: Approximately 135 units (110 lots)

Designated Open Space (square footage/ acreage) Exact amount TBD

Attach master plan narrative

By signing this application, I certify that all the information submitted is true and correct.

SUBMITTED BY: Francine St Laurent DATE: 2/4/2020

PROPERTY OWNER SIGNATURE: *Francine St Laurent* DATE: 2/4/2020

PROPERTY OWNER PRINTED NAME Francine St Laurent (owner's agent) DATE: 2/4/2020

PRE-APPLICATION MEETING DATE: _____ HEARING DATE: _____

(APPLICATIONS WILL NOT BE ACCEPTED WITHOUT A PRE-APPLICATION MEETING)

FEE'S (PLANNED RESIDENTIAL DEVELOPMENT (\$600.00 + \$100.00 PER LOT) DATE PAID: _____ RECEIPT # _____



City of Lynden

Rezone Approval Process

Pre-application Meeting (MANDATORY)

Applicant or agent meets with the Technical Review Committee for a “feasibility review” and to discuss fees, time frames for completion of the project, and early issues with the project.

Application Review and Determination of Completeness

City staff reviews all application materials, makes a determination of completeness, and notifies the applicant within 14 days of receiving the application that the application is complete or what information is missing.

Publication of Legal Notice of Application and Project Proposal

City staff is responsible for publishing a legal notice of application and public hearing on the proposed project. Legal notices of application must be published at least 14 days prior to the public hearing.

Certified Mailing to Surrounding Property Owners

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Technical Review Committee (TRC) Report and Recommendations

The TRC is notified of the application and reviews it for compliance with City plans and regulations, coordinates necessary permit reviews and identifies the development’s environmental impacts. The TRC consists of representatives from Fire, Parks, Public Works, Planning, and the Administration Department. The applicant is mailed a copy of the report, and it is also forwarded to the Planning Commission as part of the record for the hearing.

SEPA Determination and Publication of Legal Notice

All development permits require a SEPA checklist, except short plats and other projects exempted by WAC 197-11 and LMC 16.05.070.

Public Hearing at Planning Commission

The Planning Commission makes its recommendation for approval or denial after reviewing and considering the project application materials, the TRC report, and any written or oral testimony in reference to the request. The Commission then forwards its resolution outlining the decision, its findings, conclusions and recommendations to the City Council for consideration.

Consideration by City Council

The City Council makes a decision based upon the Planning Commission’s recommendation and the record established at the Planning Commission hearing. Their decision can be made by motion, resolution or ordinance as appropriate. The Council may also issue Findings of Facts and Conclusions of Law, outlining their decision.

Publication of Legal Notice of Decision

City staff is responsible for publishing a legal notice of final decision on the project. This legal notice, along with a copy of the Planning Commission resolution is mailed to the applicant, specifying any conditions of the decision.



City of Lynden

Rezone

Application Requirements

1. *Completed application form for the rezone request.*
2. *All applicable fees.*
3. *Property site map showing the following:*
 - property dimensions*
 - street and alley dimensions*
 - footprint and dimensions of existing buildings*
 - setbacks*
 - other existing physical features*
 - north point and scale*
 - topography*
4. *Area map showing the following:*
 - adjacent properties*
 - zoning of adjacent properties*
 - nearby structures and buildings*
 - streets/highways*
 - watercourses*
 - easements*
5. *Project drawings showing the following (if applicable):*
 - N/A *building / site elevations of the proposed project*
 - N/A *floor plans*
 - N/A *landscaping plans*
6. *Legal description of the property. Please see attached narrative.*
7. *Names and addresses of all persons, firms and corporations holding interest in the property. Please see attached deed.*
8. *SEPA checklist.*
9. *A narrative regarding the background, the reason for seeking the proposed rezone, and the effect of the proposal on adjacent areas.*
10. *A statement explaining changed circumstances in the area since adoption of the current zoning or a mistake in the current zoning.*
11. *A statement explaining how the proposed rezone is consistent with the City's comprehensive plan, applicable sub-area plans, and with protecting the public health, safety, and welfare.*
12. *Critical Areas Ordinance Checklist.*



City of Lynden

Rezone Application

Applicant Information

Name: Francine St Laurent / AVT Consulting LLC

Address: 1708 F St, Bellingham, WA 98225

Telephone Number: 360-527-9445 **Fax Number:** _____

E-mail Address: francine@avtplanning.com

Application is hereby made for a rezone as follows:

Type of Rezone Requested:

Current Zoning Designation: RS-100 Proposed Zoning Designation: RMD

Attach narrative explaining the reason for the request / zoning change

Property Information

Address: 0 Main Street

Legal Description: (Attach Additional Sheets if Necessary)

Please see attached legal description.

Property Size: 902' **X** 1,282'

Total Square Footage: 950,915 SF **Total Acreage:** 21.83 acres

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: *Francine St Laurent* **Date:** 4/24/2020

Pre-application meeting date: July 5, 2018

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

Fee's (RZ \$375.00 or Final Review Cost) date paid: 7/25/18 receipt # _____



City of Lynden

Critical Areas Checklist

Section: 19 Township: 40 Range: 03 Parcel Number: 400319 034471 & 400319 051539

Site Address: 0 Main Street

Proposed Uses: Residential

Please answer the following questions concerning Critical Area indicators *located on or within 200-feet of the project area:*

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, please attach a list of document titles).
 Yes No Unknown
- b. Are there any surface waters (including year-round and seasonal streams, lakes, ponds, swamps)?
 Yes No Unknown
- c. Is there vegetation that is associated with wetlands?
 Yes No Unknown
- d. Have any wetlands been identified?
 Yes No Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?
 Yes No Unknown
- f. Are there any State or Federally listed sensitive, endangered, or threatened species and habitats?
 Yes No Unknown
- g. Are there slopes of 15% or greater?
 Yes No Unknown
- h. Is the project located within a Flood Hazard Zone?
 Yes No Unknown
- i. Do you know of any landslide hazard areas?
 Yes No Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of Chapter 16.16 of the Lynden Critical Areas Ordinance.

Applicant's Signature

4/24/2020
Date

LIONS GATE
PLANNED RESIDENTIAL DEVELOPMENT & REZONE
APPLICATION NARRATIVE

I. Subject Site / Properties Information

Address: 0 Main Street, Lynden, WA 98264

Tax Parcel Number(s): 400319 051539 0000 & 400319 034471 0000

Owner(s): Robert James, Mannahouse Church, 9200 NE Fremont St, Portland, OR 97220

Applicant: Francine St. Laurent, AVT Consulting LLC, 1708 F Street, Bellingham, WA 98225

Agent(s): Same as applicant

II. Subject Site / Property Description

The subject property is made up of one parcel that is currently unaddressed and adjacent to Main Street, located east of Guide Meridian and north of Main Street in Lynden, WA (the “Property”). The Property is approximately 21.83 acres (950,915 square feet) in size. It is located within Section 19, Township 40 North, Range 03 East, W.M.

The Property is currently zoned Residential Single Family (RS-100). Zoning density in this area is 10,000 square feet per unit.

The Property is undeveloped and vegetated with a few stands of trees, maintained lawn and pasture areas. Portions of the Property have been historically farmed. The Property is relatively flat and there are no wetlands on the Property. There is a stream located along the Property western edge, running along Guide Meridian. The Property is not located in a flood designation. Main Street along the Property’s frontage is fully improved with curb, gutter and sidewalk. Guide Meridian is partially improved along the Property’s frontage, without asphalt drive lanes but without curb, gutter and sidewalk.

Neighboring properties to the north are in Whatcom County and developed largely with industrial and farming uses. Properties to the west are within the City of Lynden and are developed with large scale industrial and commercial/retail uses. Properties to the east and south are developed with a mix of single-family and multifamily residential developments. Some neighboring properties to the south and southwest are developed with commercial uses. The Ridnour Activities Center building, along with associated parking and a large yard area, totaling approximately 4 acres, has been recently subdivided and the new parcel has been conveyed into separate ownership.

Legal Description:

400319 051539 0000 & 400319 034471 0000

LOT 1, AS DELINEATED ON CITY BIBLE CHURCH SHORT PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED AUGUST 29, 2019, UNDER AUDITOR’S FILE NO. 2019-0803655, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

III. Project Description

The proposed project is a site-specific rezone of the Property and a Master Planned Residential Development. The current zoning is RS-100. The proposed rezone would result in one new zone designation. A designation of RMD would be applied to entire property. The rezone proposal does not include the parcel of land recently created for the Ridnour Activities Center. This parcel would remain in current zoning, which is RS-100.

The retention of the RS-100 zoning for this parcel and the designation of RMD zoning adjacent to the existing neighborhood to the east will provide an appropriate transition in lot size and housing type as the property is redeveloped in the future. Lots in this area would range in size from 7,200 square feet to 8,000 square feet and would be developed with detached single-family residences. Lots in the west portion of the property would range in size from 3,000 square feet to 5,000 square feet and would be developed with either detached single-family residences or attached duplexes to fourplexes/zero lot line single-family residences. Based on preliminary design concepts the Property is anticipated to accommodate approximately 135 residential units. Under current zoning the Property has a gross density of approximately 95 residential units. The rezone proposal therefore represents a modest increase in density of approximately 40 residential units. This increase in density will facilitate a more attainable housing product and price point for the residents of Lynden.

New public roads would be developed through the Property, with primary access to the new development from an existing curb cut on Main Street and secondary access via a connection to 19th Street. The road network would be designed to direct primary traffic away from 19th Street via a divided boulevard curving to the west internal to the site. Lots would be served by this main road, new internal loop roads, and/or alleys allowing for rear yard garages. Open spaces, improved park facilities, and trails would be developed throughout the new community, connecting from existing public pedestrian facilities on Main Street and 19th Street, and also to the northeast corner of the Property, facilitating future trail connection to areas north of the property in the Lynden UGA (currently proposed for annexation). Water and sewer utilities and storm water facilities would be developed within the Property to serve all new development. Storm water facilities would be designed to meet applicable State Department of Ecology regulations, already adopted by the City of Lynden. Future traffic impacts would be analyzed at the time of development with a Traffic Impact Analysis prepared by a qualified civil

engineering company. Any mitigating measures, including public road improvements if necessary, would be implemented during project development. A buffer along the Guide Meridian is proposed with future development in order to protect the existing stream/ditch that runs parallel to the Guide. This buffer will be enhanced with native plantings to provide a visual screen from the Guide for new residents.

Please note that the plans provided for this project are conceptual in nature, however they do reflect the proposed layout of lots, roads, utilities, open spaces and other features. The rezone is being proposed with a concurrent MPRD/PRD application. The applicants engaged with a professional design firm during the summer of 2019 and conducted a design charette that involved members of the community, local designers, local builders and developers, real estate agents and other interested parties from Lynden. The result of this design charette informed the conceptual site layout, lot sizes, and housing types proposed. The street grid, open spaces, utility planning, lot sizes, and lot layout are designed to meet applicable City of Lynden standards, except where the MPRD/PRD process is being utilized to vary from standards, as discussed in this narrative and application.

This proposed rezone would allow a modest increase in density on the Property, helping to accommodate Lynden’s demand for new residential units, with smaller lot and home sizes, which will facilitate a more attainable price point for residents. The design is respectful of adjacent development, including a transition from a major arterial — Guide Meridian — and industrial zone (west of the Guide) to a higher density single-family attached and single-family detached use, to medium density single-family, and then to the existing large lot single-family residential development to the east.

IV. Rezone Code Compliance

Site Specific Rezones are addressed in Lynden Municipal Code (LMC) Chapter 17.19. This section of the LMC identifies application requirements, procedure and criteria for review and approval. Section 17.19.010 identifies required contents of an application:

17.19.010 - Contents of application.

A complete application for a site-specific rezone must be acknowledged by the property owner and shall include the following information:

A. A completed application form provided by the planning department and all applicable fees;

Comment: The site-specific rezone application form has been completed and is provided with this application package.

B. The legal description of the boundaries of the area proposed for rezoning;

Comment: The legal description for the proposed rezone area is included in this application narrative in Section II. A copy of the recorded City Bible Church Short Plat is included with this application package, as well.

C. A statement regarding the background, the reason for seeking the proposed rezone, and the effect of the proposal on adjacent areas;

Comment: The proposed rezone is being sought to increase the density of residential development on the Property, to allow for reduced lot sizes and varied housing type, all in the interest of implementing the City of Lynden’s Comprehensive Plan goals to provide housing that is attainable to the City’s residents. The rezone is necessary as housing and economic conditions in Lynden have changed over time, resulting in increased demand and pressure on the housing market.

The ownership of the Property has recently changed, with a church organization based in Portland, Oregon, taking ownership of the Property from City Bible Church, the prior tenant. This new ownership engaged with Luke Ridnour and the Lynden School District, both tenants in the existing church building, to assist them with a permanent transfer of the church building itself to Mr. Ridnour in order to facilitate the continuation of his activities in the space (the Ridnour Activities Center). To accomplish this a subdivision was proposed and completed in 2019, creating an approximately 4.8-acre parcel encompassing the church structures, surrounding yard areas, parking areas, and other improvements. This new parcel was transferred to Mr. Ridnour earlier this year. The remaining property is predominantly undeveloped and the ownership (new church) is not a developer. They reached out to the rezone applicant, who is a local Whatcom County real estate development group, to partner on a redevelopment plan that would allow the church to divest themselves of the property as an asset. The applicant evaluated Lynden’s housing market, as well as national, state, and local housing trends, and economic conditions in Whatcom County and Lynden, and determined that development of single-family housing at 10,000 square foot lot sizes (permitted under current zoning) was not appropriate for this particular property and not in the City of Lynden’s best interest.

After both informal and formal engagement with the community and neighborhood, and discussions with City of Lynden Planning Staff, it was apparent that unrestricted commercial development and higher density multi-family housing was not desirable at this location, but that the City was in dire need of higher density single-family development, and small duplex, triplex and fourplex development, intended to serve median income families and work force populations. These populations are underserved with housing options in Lynden at this time. The City’s Comprehensive Plan supports these mixed housing forms (see Attachment A to this narrative). Due to changes in Lynden demographics, changes in market conditions, and changes in growth demands in the City of Lynden over the past decade it was determined that a rezone to a higher density single-family and limited multifamily zone designation would facilitate the development of a range of housing types that were more attainable for Lynden residents.

The surrounding area is developed with a mix of single-family low density, single-family medium density and multi-family housing types, developed in a variety of single-family and multi-family zone designations over a period of 40+ years. The proposed rezone and mix of lot sizes and housing forms has been thoughtfully planned to create appropriate transitions from existing developed neighborhoods in the vicinity. Provision for streets, utilities, storm water, and other development impacts have been made, consistent with Lynden development standards. The City has adopted codes and ordinances that will adequately regulate future development and will ensure impacts from future development are appropriately mitigated. For these reasons, the applicant believes the rezone will have little, if any, material negative impact on surrounding properties or the broader Lynden community. To the contrary, positive impacts on the broader community can be expected from the rezone, which will facilitate the provision of more attainable housing types for Lynden residents who currently can't afford to rent or own in the community they work in and call home. A more detailed discussion of relevant local and State planning policies that support this rezone, as well as current market factors in the affordability of housing in Lynden, are provided in Attachment A to this project narrative.

D. A statement explaining changed circumstances in the area since adoption of the current zoning or a mistake in the current zoning;

Comment: A detailed discussion of the changed circumstances in the area since adoption of the current zoning is provided in this narrative in response to the rezone criteria contained in LMC 17.19.050.A, below.

E. A statement explaining how the proposed rezone is consistent with the city's comprehensive plan, applicable subarea plans, and with protecting the public health, safety and welfare;

Comment: A detailed discussion of the proposed rezone's consistency with the comprehensive plan, applicable sub area plans and protection of the public health, safety and welfare, is provided in this narrative in response to the rezone criteria contained in LMC 17.19.050.B-E, below and in Attachment A.

F. A reproducible vicinity map, designating the area of the proposed rezone, together with all significant geographic features, including bodies of water, major streets and highways and boundaries of all units of government in the area as they presently exist;

Comment: A vicinity map showing the proposed rezone area and all surrounding development, streets, highways, and other relevant improvements, has been produced and is attached with this application package.

G. A reproducible map showing the area of the proposed rezone together with the zoning of all adjacent parcels;

Comment: A map showing the proposed rezone area and surrounding properties with zoning identified has been produced and is attached with this application package.

H. A development proposal showing the following information: a) all proposed streets and rights-of-way, b) topography, and c) development concept illustrating the proposed density and type of development;

Comment: A conceptual master site plan has been developed for the proposed rezone area. This site plan shows proposed lot configurations of future lots, streets and rights of way, open spaces, trails, and general development concepts. This site plan is provided in black and white, color, with and without conceptual housing forms shown. This plan is intended to satisfy both rezone criteria and MPRD/PRD application criteria. It is intended to illustrate the conceptual plan for development of the property, however, lot configuration and housing location on lots may change nominally during MPRD/PRD review.

I. An environmental checklist.

Comment: An environmental checklist has been completed and is provided with this application package.

In addition to the application requirements contained in LMC 17.19.010, the City of Lynden has also established specific criteria in their Municipal Code for the review and approval of a site-specific rezone proposal. These criteria are contained in LMC 17.19.050. **These are the criteria that the City of Lynden Staff, Planning Commission and City Council are obligated to review a request for rezone against.** A detailed discussion of these criteria is provided in this narrative.

17.19.050 - Criteria for approval of site-specific rezone.

Site-specific rezone requests must satisfy the requirements established for development proposals in Section 17.09.040(C). In addition, no application for a site-specific rezone shall be approved unless the applicant demonstrates that each of the following criteria is satisfied:

A. The current zoning was either approved in error or that a significant change in circumstances since approval of the current zoning warrants reclassification of the subject property as proposed;

Comment: In the case of this rezone there have been significant changes in circumstances since adoption of the current zoning, and these changes warrant reclassification of the subject Property as proposed.

In 1978, the Property was in an area of Lynden designated as “R120” zoning. This designation does not exist today but was a similar single-family designation. In 1991, the current RS-100 zoning was in place. This zoning was adopted some time between 1978

and 1991 and has been applied to the Property for at least 28 years. In 1990, Lynden had a population of only 5,709 residents. Today the population exceeds 14,700 residents. This represents an increase in population of approximately 9,000 residents, an increase of over 250% in a 28-year period. This population growth has dramatically altered the City of Lynden resulting in significant changes in housing needs and the job market.

In addition to this dramatic growth since the adoption of the current zoning, in 1991 (after the current zoning was applied to the Property) the State of Washington adopted the Growth Management Act (GMA). The GMA requires cities and counties to plan for expected population growth, and specifically to address land use and housing needs through an adopted comprehensive plan. GMA and the requisite planning obligations have contributed to the significant change in circumstances in Lynden since the adoption of the current zoning. Please see Attachment A for additional detailed discussion on these planning obligations and how Lynden has adopted policies and goals in its Comprehensive Plan, as recently as 2016, to address this.

In addition to changes in population and new legislative requirements, the area surrounding the rezone Property has changed physically over the past 30 years. Prior to 1986 this area of Lynden was predominantly rural in nature with limited residential housing. In the late 1980s and early 1990s, the surrounding properties were developed with several new residential developments, including both single-family and multi-family projects (the 1991 zoning map identifies several pockets of higher density multi-family zoning in the vicinity of the Property, including immediately south and just east, where properties were developed with duplex, triplex and larger multi-family housing forms). Since the 1990s the remainder of the surrounding properties have been developed, including additional single-family and multi-family projects. Citywide, changes have occurred that also impact the subject Property. Lynden has grown dramatically, increasing the pressure on housing of all types for residents. This pressure is particularly acute in West Lynden. Since 2004 only 8.2% of single-family and 1.7% of multi-family residential growth has occurred in the West Lynden Residential subarea, compared with 35% and 20% and 43% and 30% in North Lynden and East Lynden respectively (see Lynden Housing Growth by subarea Figure, attached).

Lastly, the housing market in Lynden has changed dramatically since the adoption of the current zoning. Since 1991 there have been two measurable downturns in the economy in the United States, including the Great Recession from 2008-2009. These economic changes affected local job markets and housing supply, and as a result housing costs and the ability for local residents to find housing within the city limits that is financially attainable. Housing is less attainable than ever for a median income household in Lynden, as elsewhere in Whatcom County. A detailed discussion of these changed market and housing conditions is provided in Attachment A of this application.

Outdated zoning, the adoption of the GMA and City Comprehensive Plan, surrounding growth patterns, and economic conditions; these many factors contribute to a clear change in circumstances in the area, which warrant reclassification of the zoning.

B. The proposed site-specific rezone is consistent with the city's comprehensive plan and applicable subarea plan(s);

Comment: The City updated its Comprehensive Plan in 2016 to include new policy language that clearly supports the provision of a wide variety of housing forms, at a more attainable price, intended to serve all segments of the population. Some examples of policy language adopted in the 2016 plan include:

- *“Where feasible, mixed land uses should be encouraged. The concept of encouraging housing near employment and siting employment near the work force is well-accepted and logical.”*
- Goal 3B: Support residential housing near employment opportunities and transit.
 - Our plan provides for housing near the highest density of employment opportunities and in close proximity to transit options.
- Goal 3D: Encourage adequate housing types at every income level.
 - Our plan will support housing types at attainable levels for median incomes, first-time homebuyers and move-down homebuyers.
- Goal 3E: Provide for future housing needs by responding to changing household demographics.
 - Our plan provides for residential housing that satisfies the changing demographic of home buyers, which reflects smaller family sizes and smaller home footprints, while supporting a traditional Lynden home experience.
- Policy 3E-4: Support the development of housing specifically for young adults, seniors, groups and single parents.
 - As mentioned previously, our plan provides for a variety of housing types that are desirable to these specific demographics.

There are many additional goals and policies that can be drawn from various chapters of the Comprehensive Plan to support the proposed rezone. A detailed discussion of the City’s Comprehensive Plan and State growth planning regulations is included in Attachment A of this application narrative.

C. The project proposal is consistent with the city's development codes and regulations for the zoning proposed for the project;

Comment: The density, lot sizes, housing types and sizes, road and infrastructure layout, parks, open space areas, trails, storm water allocations, and other design components

identified in the conceptual site development plans included with this rezone application are all consistent with the City’s development codes and regulations, except where the MPRD/PRD process is being utilized to vary from these standards, as noted in this application. All necessary road and utility infrastructure will be addressed with development of the Property. Provisions for traffic impacts, storm water management facilities, and other critical design components can be adequately regulated and required through existing adopted City of Lynden ordinances and development regulations, including those in Title 12, Streets, Sidewalks and Public Places, Title 13 Public Utilities, Title 15 Building and Construction, Title 16 Environmental Policy, Title 17 Land Development, Title 18 Subdivisions and Title 19 Zoning. Additional regulations adopted by the State of Washington and implemented through compliance with Department of Fish and Wildlife and Department of Ecology permitting will further ensure that any future development of the Property will be designed and implemented consistently with City regulations.

D. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area; and

Comment: The proposed rezone is entirely consistent and compatible with existing uses and zoning in the surrounding area. The proposed rezone includes a residential zone designation that will provide appropriate transition to neighboring properties to the east. Adjacent to the existing single-family neighborhood to the east new zoning will accommodate only slightly smaller lot sizes and greater density so that the immediate neighbors will not identify a significant change in character. Development occurring further west and along the Guide will transition to higher densities and limited mixed housing types, in order to accommodate smaller lot sizes and the majority of the density increase.

The surrounding properties are already characterized by a mix of zone designations, housing densities and forms. In addition to the adjacent RS-100 zoning designation and single-family subdivisions, there are also RM2, RM3 and RM4 zoning designations in the immediate vicinity of the Property. Housing forms in the area include detached single-family residences, duplexes, fourplexes, condominiums and larger apartment buildings. All these zone designations and housing forms are existing today in the immediate vicinity and are compatible with each other. The proposed rezone would provide lot sizes and housing forms within the range of those already developed in the surrounding area. It is also important to note that to the west and southwest are industrial and commercial developments; the Property is uniquely situated across the Guide from these uses, and this warrants a transitional housing form along the Guide; and large lot detached single family residences are not appropriate in this area along the Guide.

E. The proposed site-specific rezone will promote the health, safety and general welfare of the community.

Comment: The proposed rezone will promote the health, safety, and general welfare of the community. The rezone will allow a greater density of development and a variety of

housing forms to be developed on the Property, which are necessary for the City to accommodate its varied population demographics and the continually increasing cost of housing for its residents. Actions that contribute to the gross supply of housing in Lynden, while providing more choice for residents, clearly contribute to the health and general welfare of the community. These actions are identified in the Comprehensive Plan as appropriate steps for the community to take to continue to grow in a healthy and safe fashion. The rezone will contribute to the City’s long-range planning efforts to manage growth and the cost and supply of housing, and as such will generate a positive impact on the community’s health and general welfare.

Adequate provisions for traffic, storm water, police, fire, EMS, parks, open space and other concerns can and will be addressed through the City’s already adopted land use ordinances and development regulations. There is no evidence to suggest that any impact to health, safety or the general welfare cannot and will not be mitigated through these existing City regulations. There is no evidence to suggest that the future residents of the single-family homes and duplexes proposed on the Property after rezone will present a safety concern for neighboring properties or the community in general.

V. Planned Residential Development

Planned Residential Development Overlays (PRDs) are addressed in Lynden Municipal Code (LMC) Chapter 19.29. This section of the LMC identifies application requirements, development standards, and procedure and criteria for review and approval.

The Purpose of a PRD is identified in LMC 19.29.010:

The primary purpose of a planned residential development (PRD) or master planned residential development (MPRD) is to promote creativity in site layout and design, allowing flexibility in the application of the standard zoning requirements and development standards. More specifically, it is the purpose of this chapter to:

- A. Permit developers to use innovative methods including low impact development (LID) techniques and approaches not available under conventional zoning methods to facilitate the construction of a variety of housing types and densities serving the housing needs of the Lynden community and meeting the goals and policies of the comprehensive plan;*
- B. Provide for the economic provision of public facilities and services by allowing choices in the layout of streets, utility networks and other public improvements through superior site design and the use of clustering;*
- C. Allow development of land with physical constraints while preserving the natural characteristics of the site, including topography, native vegetation, critical areas and other natural amenities of value to the community;*
- D. Encourage infill within areas of the city which are characterized by existing development;*

- E. Create and/or preserve open space for recreation and the aesthetic enjoyment of residents; and
- F. Provide for the management and control of stormwater under current state and local regulations.

Comment: The proposed MPRD epitomizes infill within the city while aligning with the character of existing development to the east and south. By transitioning from existing single-family residences with new development of similar size and transitioning to smaller single-family residential and multi-family housing types (duplexes, triplexes and fourplexes) closer to Guide Meridian, the character is maintained while meeting City of Lynden comprehensive plan goals. The MPRD further serves the housing needs of the Lynden community by ensuring development of housing that is attainable for broader demographics: young adults, seniors, and single parents. Additionally, the MPRD further concentrated housing near employment opportunities long existing transit lines, outlined in Goal 3B of Lynden’s 2016 Comprehensive Plan.

Section 19.29.060 identifies minimum development standards for an MPRD and also those standards that can be varied. The proposed MPRD is consistent with most standards identified in 19.29.060 and is requesting deviation from only a few standards:

19.29.060 - Minimum development standards for PRD or MPRD.

While development under a PRD or MPRD provides measures for flexibility and creativity in the development of new home sites, there are certain minimum standards that must be met to protect Lynden's character, aesthetic values and health and safety. Additional conditions or requirements more stringent than these minimum standards may be imposed as a condition of approval. The following are minimum standards applicable to all PRD and MPRD proposals; provided that, said minimum standards may be reduced for an MPRD subject to subsection J herein:

A. Density: The density shall be the same as the density for the underlying zone; except where the application qualifies for a density bonus under Section 19.29.070. The area included in a floodplain or floodway identified by FEMA shall not be included in the gross land area for the calculation of density. The base density for projects that include land in two or more zoning designations shall be calculated for the land area in each zone and added together for the total number of units.

Comment: The proposed density will be the same as the underlying density after the rezone (RMD). No density bonuses are proposed.

B. Height: Maximum height of structures when the underlying zoning is a single family or mixed density zone is thirty-five feet. The maximum height of structures when the underlying zone is a multi-family zone is forty-five feet. Building height may be extended above these limits under a master planned residential development when approved in the master plan. Considerations for approval of extension of the height limit include the size

of the parcel, the character of the surrounding parcel(s) and neighborhood, protection of view corridors and the existence of adequate infrastructure to supply necessary services.

Comment: The proposed structures will stay within the allowable 35’ height limitation. No deviation from this height standard is proposed.

C. Parking requirements: Two parking stalls are required for each residential unit. Each twelve feet x twenty-five feet space, whether inside or outside the garage shall count as a parking stall. These are the minimum requirements and additional parking may be required as a condition of approval.

Comment: The proposed lots will each have two parking stalls provided with future development, either inside or outside the garages. No deviation from parking standards is proposed.

D. Building setbacks: All PRD's and MPRD's are subject to the following minimum setbacks:

- 1. 15-feet between the front of the house and the front property line;*
- 2. 25-feet between garage doors and the front property line;*
- 3. A setback of twenty-five feet around the perimeter of the development;*
- 4. There is no minimum building separation, except as provided by the International Building and Fire Codes, but such separation may be required as a condition of approval.*
- 5. Other setbacks may be required as a condition of approval.*

For purposes of this section, where the "front property line" borders on a public right-of-way, said "front property line" shall be the edge of the public right-of-way.

Comment: The proposed lots will meet all setbacks, including front setbacks for homes and garages, and the required 25’ setback around the perimeter of the development. Reduced side yard setbacks are proposed, however pursuant to D.4, there is no minimum building separation or side yard setback required.

E. Street widths: Arterial or collector streets or streets shown within the transportation plan must be constructed to full city standards. Within a PRD or MPRD, a reduced street section for a residential access street that is not included in the transportation plan may be permitted as follows:

- 1. Thirty feet from face of curb to face of curb, allowing two driving lanes and room for on-street parking.*
- 2. A minimum five-foot sidewalk fronting all residences with a four-foot buffer or planting strip between the curb and sidewalk.*
- 3. Rolled curbs are not allowed.*

Comment: None of the proposed streets within the MPRD will be arterial or collector streets; all streets will be residential access streets. For this reason, the MPRD includes a request for a reduced street standard. Streets will be located within 50’ rights-of-way, with some lots having garage access from 20’ alley rights of way. The one exception to this is the proposed 60’ right-of-way containing the primary Boulevard Street through the project. This Boulevard will have divided travel lanes with a center landscape island. All other streets will have reduced travel lane width (30’) with parallel parking on one side only. Setback sidewalks will be provided along all frontages.

F. Pedestrian Connectivity: In addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including trails within or adjacent to open space areas.

Comment: The MPRD plans identify pedestrian trails through the project site with connection to all open space areas, and to public streets to the south as well as to future development properties to the north and east.

G. Maximum lot coverage: There is no maximum lot coverage established by this overlay zone; provided that, a maximum lot coverage limitation may be imposed as a condition of approval based on consideration of the size of the parcel, the character of the surrounding parcel(s) and neighborhood, protection of view corridors and the existence of adequate infrastructure to supply necessary services.

Comment: The MPRD includes a request to have no maximum lot coverage limitations. With the smaller lot sizes proposed it is unreasonable to restrict lot coverage.

H. Unit Distribution: When a PRD or MPRD is used in a single-family zone for development of single-family residences, at least twenty-five percent of the dwelling units must be detached single family units.

Comment: The proposed MPRD will be in a Residential Multi zone, however, more than 25% of the lots will be developed with single-family units.

I. Minimum lot size: For detached single family residences within a PRD or MPRD, the minimum lot size shall be no less than five thousand square feet; provided that, smaller lots or detached condominiums may be approved under a MPRD subject to consideration of the factors identified in subsection J herein.

Comment: As proposed the MPRD will include a number of lots that are below the 5,000 square foot minimum lot size. A number of lots will be 3,000 to 5,000 square feet in size, while still containing single-family detached units. A discussion of this deviation request is provided in consideration of the factors identified in subsection J below.

J. Where the applicant seeks to depart from the above minimum standards in the MPRD process, the planning commission and council shall consider the following factors and the council may in its sole discretion approve departure from one or more of said

minimum standards upon finding that the MPRD proposal clearly satisfies one or more of these factors:

- 1. The modification of minimum standards protects or improves the character of the surrounding neighborhood in terms of architectural scale, view corridors, the aesthetic character or provision of services;*
- 2. The modification of minimum development standards protects critical areas and the environmental quality of the parcel(s) to be developed;*
- 3. The modification of minimum standards is necessary to permit reasonable development as a result of unique characteristics of the property or the proposed uses;*
- 4. The modification of building height (subject to Section 19.29.060(2)) or building setbacks where reasonably necessary due to arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development; provided that any such modification shall be consistent with subsection A herein;*
- 5. The modification of minimum standards is adequately mitigated by reasonably related public improvements proposed in connection with the planned development.*

Comment: The proposed reduction of the lot sizes below 5,000 square feet for a portion of the detached single-family lots will facilitate the proposed nominal increase in density for the overall site, while also reducing the overall price for each lot, creating a more attainable housing product for future home buyers. The reduced lot sizes facilitate this density while allowing full protection of the stream/creek along the Guide Meridian, and better utilization of the proposed new public infrastructure (more lots being served by the new roads and utilities). The reduced lot size will coincide with reduced home sizes, which will again promote a more attainable housing product. The reduced lots are not situated adjacent to existing developed neighborhoods; a transition of larger lots is proposed near these existing development neighborhoods to reduce the aesthetic and character impacts of the smaller lots. The reduction in lot size is adequately mitigated by this transition area, and the proposed street and utility grid, which can provide appropriate levels of public infrastructure to all the lots without any negative impact to the community. The proposed project is unique and the reduced lot sizes are integral to facilitating the overall master planned community vision and goals.

In addition to meeting the development standards, an MPRD application must include minimum materials. Section 19.29.090 identifies required contents of an application:

19.29.90 – Submittal Requirements.

A. Submittal of a master plan application is required per the minimum development standards as noted in section 19.29.060 above and LMC Chapter 13.14. An applicant may submit a master plan application when approval of a development concept is desired, or when the applicant wishes to submit applications for the planned residential

developments in phases as noted in Section 19.29.090 below. In order to be determined complete, an application for master plan approval of a MPRD shall include the information listed below:

- 1. A consolidated legal description of all parcels to be included in the master plan.*

Comment: Please see Section II, above, for a full legal description of all parcels to be included in the MPRD.

- 2. A map, prepared by a qualified professional, showing the following:*
 - a. The primary transportation and utility corridors;*
 - b. The location of common open space, and*
 - c. The distribution of housing types and densities*

Comment: Please see the site plans showing transportation and utility corridors, the location of common open spaces, and housing types and densities included with this application.

- 3. A narrative description of the project. If the application seems to modify the minimum development standards, a detailed explanation of how the development will meet the criteria listed in Section 19.29.060 and other applicable criteria shall be included.*

Comment: Please see the narrative project description in Section III. Through the MPRD process we are requesting variation from several development standards; these variations are discussed below.

- 4. A completed SEPA Checklist, prepared as part of a phased environmental review under WAC 197-11-060(5).*

Comment: A completed SEPA checklist is included in this application.

- A. To be determined complete, an application for a Planned Residential Development must include all of the information listed below. This information may be submitted for a portion of a project with the approval of a master plan. This information shall be submitted for the entire development proposal for a project that does not use the master plan approval procedure.*

- 1. One map showing street systems, location of utilities, preliminary plat designs and contours at five foot intervals;*

Comment: A map showing the street systems, approximate location of utilities, plat designs and contours is included with this application.

- 2. One map showing watercourses, natural drainage patterns, unique and sensitive natural features, forest cover, and critical areas;*

Comment: A map showing the watercourses and natural drainage patterns on the Property is included. This map identifies the small stream/creek running along the west side of the Property parallel to the Guide Meridian.

- 3. *One map showing locations and sizes of areas proposed to be set aside for common open space as required in Section 19.29.080, any public buildings, and similar public and semi-public uses;*

Comment: A map showing locations and areas proposed to be set aside for common open spaces is included with this application.

- 4. *One map showing each of the maps indicated in subsections A, B and C superimposed upon one another.*

Comment: Three maps showing the proposed building sizes and densities, utility locations and proposed lot lines, common open spaces, etc., are included with this application.

- 5. *Areas designated for recreational buildings, clubhouses, country club facilities and the nature and extent of such facilities;*

Comment: No recreational buildings or clubhouses are proposed in this MPRD.

- 6. *Proposed building areas or phases, housing types, densities, setbacks and height.*

Comment: A phasing plan showing the proposed building areas and phases of development (5 phases) is included with this application. The other maps provided with this application identify housing types (single-family detached and duplex to fourplex), setbacks and proposed heights.

- 7. *A development schedule indicating:*
 - a. *The approximate date when construction of the project can be expected to begin;*
 - b. *The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;*
 - c. *The anticipated rate of development;*
 - d. *The approximate dates when the development of each of the stages in the development will be completed;*
 - e. *The area and location of common open space that will be provided at each stage;*

Comment: A phasing plan is included with this application. Construction of Phase I would begin as soon as the rezone and MPRD are approved. Start and completion dates of subsequent phases will depend on the permitting process timeline for building permits and the market absorption rate for prior phases. However, it is anticipated that each subsequent phase will be brought online immediately after completion of the prior phase, with full build out occurring from Fall 2020 – Fall 2022. Development of common open

space will correspond with development of the phased area it is located in and will be completed in line with the corresponding phase.

- 8. *The existing and proposed utility systems including sanitary sewers, storm sewers, water lines, electric lines, gas lines and telephone lines.*

Comment: A map showing the existing and proposed utility systems is included with this application.

- 9. *Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open areas.*

Comment: Agreements, provisions and covenants are being drafted and will be provided as quickly as possible to supplement this application.

- 10. *The existing and proposed circulation system of arterial, collector and residential access streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way. Notations of proposed ownership, public or private, should be included where appropriate.*

Comment: A map showing the existing street system and its relation and connection to the proposed circulation system within the development is included with this application. All roads shown on this map will be public roads. All parking for the development will be private off-street parking located on each corresponding parcel.

- 11. *The existing and proposed pedestrian circulation system, including interrelationships with the vehicular circulation system. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.*

Comment: A map showing vehicular and pedestrian circulation, via sidewalks and connectivity to existing sidewalk infrastructure, is included with this application.

- 12. *A general landscaping and tree planting plan including the proposed treatment of the perimeter of the PRD, including materials and techniques used such as screens, fences and walls.*

Comment: A general landscaping plan showing approximate street tree locations and screening is included with this application.

- 13. *An economic feasibility report or market analysis and a statement substantiating how the proposed PRD will be superior and provide benefit to the public beyond what is available through conventional development.*

Comment: A market analysis is contained within “Attachment A” included with the rezone application for this Property.

14. The names and addresses of all persons, firms, and corporations holding interest in the property, including easement rights and drainage structures.

Comment: Please see Section 1 of this application. The church facility on the property now owned by Luke Ridnour has a drainage easement and access easement over the Property. Copies of these easements are included with this application.

15. Information on a map which shows the development in relation to the surrounding area and its uses, both existing and proposed, including land uses, zoning classifications, densities, circulation systems, public facilities and unique and sensitive natural features of the landscape.

Comment: An exhibit showing surrounding zoning classifications and land uses is included with this application. A vicinity map is also provided.

16. A complete environmental review package including a complete SEPA checklist, engineered traffic impact analysis, critical areas preliminary review and other studies as required during the pre-application meeting or master plan approval.

Comment: A completed Critical Areas Checklist and SEPA Checklist, as identified as requirements in the pre-application meeting, are included with this application.

In addition to these application requirements, an MPRD must be reviewed against the criteria for approval contained in LMC 19.29.110:

19.29.110 - Criteria for approval.

A. Design Criteria: The design of the PRD or MPRD shall achieve two or more of the following results:

- 1. High quality architectural design, placement, relationship or orientation of the structures;*
- 2. Achieving the allowable density for the subject property;*
- 3. Providing housing types that effectively serve the affordable housing needs of the community;*
- 4. Improving circulation patterns;*
- 5. Minimizing the use of impervious surfacing materials;*
- 6. Increasing open space or recreational facilities on-site;*
- 7. Preserving, enhancing or rehabilitation the natural features of the property such as significant woodlands, or critical areas;*

Comment: The design of the MPRD achieves multiple results listed above. The residential units will be of high-quality architectural design and will be oriented, as much as possible, toward open spaces. The development will achieve a greater density for the

Property as proposed with the rezone application. This will allow greater variation in housing options to provide attainable housing price points for Lynden residents. Through reduced road widths impervious surfaces will be decreased for the project, and extra land can be retained for open space, as well as the preservation and enhancement of the sensitive creek corridor along the Guide. For more detailed description, please see Attachment A and Section III and IV of this narrative.

B. Perimeter Design. The perimeter of a PRD or MPRD shall be appropriate in design, character and appearance with the existing or intended character of the development adjacent to the subject property and with the physical characteristics of the property.

Comment: A landscape buffer compliant with LMC 16.16.380 will be provided along the Guide Meridian frontage coinciding with the creek buffer in order to provide privacy for residences of the duplex units proposed closest to Guide Meridian. This will include staggered trees and varied plantings intended to enhance the creek buffer function. Street trees and additional private open space will be provided along the Main Street frontage to match the character of the neighborhood south of Main Street and east of the Property. These plantings will be designed to complement the swale along the Guide Meridian frontage and the storm facility in the Property’s southwest corner. The proposed rezone to RMD zoning and larger detached lot sizes along the eastern edge of the MPRD will provide an appropriate transition to the larger lot sizes to the east. A detailed discussion of this transition area is provided in Section III and IV of this narrative.

C. Streets and Sidewalks. Existing and proposed streets and sidewalks within a PRD or MPRD shall be suitable to carry the anticipated traffic within the proposed development and the vicinity. The design of the circulation system shall be consistent with the requirements of Chapter 18.14 LMC.

Comment: The proposed streets and sidewalks through the development will meet the demands of the new residential units in the development. They will tie into existing street and pedestrian infrastructure on 19th Street and Main Street. Please see the maps included with this application, which demonstrate the connections to existing infrastructure and proposed layout in the development itself.

VI. Conclusion

This application and the supporting documents provided with it clearly show that the proposed rezone is consistent with applicable sections of LMC, 17.19.010 and 17.19.050, and that the Master Planned Residential Development is consistent with Chapter 19.29. The rezone and MPRD address changed conditions in the community and are supported by the City of Lynden Comprehensive Plan and the State Growth Management Act. The rezone will allow for a project to be developed on the Property that provides a variety of housing options at varying price points, serving a broader segment of the Lynden population than is currently served in the West Lynden Residential sub-area. The rezone and MPRD will contribute to the implementation of the housing goals and policies identified in the Comprehensive Plan and will have a positive

impact on the attainability of housing for Lynden residents. The City Planning Department, Planning Commission, and City Council should support the rezone proposal.

Attachment A

Lions Gate Site Specific Rezone Application

Narrative Supplement – Comprehensive Plan, Growth Management, and Market Factors Discussion

Introduction

The City of Lynden has been experiencing exponential growth since 1990, and this is anticipated to continue through the next 20 years. The State of Washington and Whatcom County require that cities plan for how to accommodate this growth: for employment, housing, natural resource management, and transportation. Each jurisdiction has its own vision for how to accomplish this task.

Lynden has a rich history and, as noted in the 2016 Comprehensive Plan update, is a desirable community in which to live.¹ For this reason, the Comprehensive Plan adopted by Lynden City Council has outlined its vision and goals to achieve the state-mandated growth the City will experience. Lynden Planning Commission, Lynden City Council, and the Planning and Community Development Department are charged with employing good planning to both identify how well the community is meeting its goals and what can be done better.

The housing market is a key indicator in whether the community is on track to meet their adopted vision and the Comprehensive Plan’s goals. Current market data suggests the growth of housing is not keeping pace with the demand for housing, affecting the cost for residents. A strong conclusion of the City’s Comprehensive Plan is that the provision of various housing types for all income levels will ensure Lynden mitigates this gap in supply and demand, reduces housing costs, and stays the vibrant community it is known to be.

Growth Management Act & Comprehensive Planning

The Growth Management Act (GMA) is a series of statutes adopted by the Washington State legislature in 1990. It requires fast-growing cities and counties to develop a comprehensive plan to manage their population growth. This is primarily codified under RCW 36.70A. The GMA’s goals are:

¹ City of Lynden’s Comprehensive Plan 2016 update, pg. 3

- Concentrated urban growth
- Sprawl reduction
- Regional transportation
- Affordable housing
- Economic development
- Property rights
- Permit processing
- Natural resource industries
- Open space and recreation
- Environmental protection
- Early and continuous public participation
- Public facilities and services
- Historic preservation
- Shoreline management

The GMA requires a handful of elements be included in a comprehensive plan, to include land use and housing.²

RCW 36.70A.070 Comprehensive plans – Mandatory elements

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community. In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215

² Revised Code of Washington, RWC 36.70A.070

any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified.

In accordance with RCW 36.70A.070, the GMA requires that a housing element:

- Include an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth;
- Includes a statement of goals, policies, objectives and mandatory provisions for the preservation, improvement and development of housing, including single-family residences;
- Identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multi-family housing, and group homes and foster care facilities; and
- Makes adequate provisions for existing and projected housing needs of all economic segments of the community.

In compliance with GMA, Whatcom County adopted a Comprehensive Plan update in 2016. Whatcom County’s 2016 Comprehensive Plan Chapter 3 on Housing addresses housing needs in Lynden and offers suggestions for changes that could occur to help meet these needs. This includes the provision of a variety of housing forms to accommodate all population demographics, as well as the evaluation of zoning and other regulations to ensure that housing is in adequate supply and is available to all residents.

The City of Lynden’s Comprehensive Plan, which was also updated in 2016, carries these planning principles forward, and states in its vision for the community that “the provision of attractive housing affordable to all ages and incomes and addressing the diverse needs of the population are part of Lynden’s mission for the future.” Not only is it Lynden’s stated mission to accommodate projected population growth, but it is also the City of Lynden’s responsibility to comply with RCW 36.70A, the Washington State Growth Management Act, in planning for this growth.

Lynden’s 2016 Comprehensive Plan update details the GMA goals and policies, and Lynden’s value statements about how to achieve this mandate. Relevant sections include:

1. Urban Growth: Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Community Value Statement: The City of Lynden will encourage growth to occur in a timely fashion to allow the community to assimilate the changes which occur with growth.

Project Support: The proposed project is located at the heart of existing transportation, communications, utilities, and other services that exist in western Lynden and along the Guide. This project allows Lynden to grow within its current boundaries in a responsible and reasonable manner, that does not over-burden the existing infrastructure.

- 2. Reduce Sprawl: Reduce the inappropriate conversion of undeveloped land into sprawling, low density development.

Community Value Statement: The City of Lynden is working to reduce urban sprawl by encouraging development with the urban area of the City and discouraging leap frog development of single family neighborhoods. The City also is encouraging infill of vacant or undeveloped lots within the current City limits.

Project Support: The location of the proposed project exists within an urbanized area of the City and provides a natural progression of single-family neighborhood density transitioning to the Guide. By encouraging more dense infill of current undeveloped land located along a major transportation corridor, within the city limits, the proposed project reduces sprawling, low-density development.

- 3. Transportation: Encourage efficient multi-modal transportation systems that are based on regional priorities and coordinated with County and City Comprehensive Plans.

Community Value Statement: The City of Lynden will encourage the efficient multi-modal transportation systems in cooperation with regional transportation goals, as well as County and City Comprehensive Plans.

Project Support: The location of this site supports multimodal transportation options to include walking, biking, public transit and private vehicle ownership. The location of the project is directly adjacent to existing public transportation lines and provides easy connectivity to the City’s existing and proposed trail and sidewalk system. Locating a project adjacent to these existing amenities supports the City’s vision of a thriving multi-modal transportation system.

- 4. Housing: Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage the preservation of existing housing.

Community Value Statement: The community of Lynden will work to provide creative opportunities for affordable housing, for all income levels, with the emphasis toward ownership.

Project Support: This project began with the gathering of builders, real estate professionals, designers, city planners, architects and home buyers to generate ideas for bringing homes to middle-income, first-time home buyers, small families, and move-down buyers at an attainable price, while maintaining the character and allure of living in Lynden. The resulting proposal will facilitate more attainable housing for residents with income levels that are currently underserved in the market. A majority of the proposed units are intended for sale.

- 5. Economic Development: Encourage economic development throughout the State that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this State, especially for unemployed or for disadvantaged persons, and encourage growth, all within the capacities of the State’s natural resources, public facilities and public services.

Community Value Statement: The City of Lynden will promote the diversification of its economy through the encouragement of sustainable industrial and commercial growth. Those industries and commercial activities which do not preclude the economic choices of future generations and that emphasize and support agriculture will be especially encouraged.

Project Support: This project seeks to provide housing opportunities for buyers looking to live and work in Lynden and be a part of this community. The location provides tremendous options for a variety of housing types near a variety of employment opportunities to Lynden’s west, east, north and south.

- 6. Open Space and Recreation: Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water and develop parks.

Community Value Statement: The City did not list a Community Value Statement for this specific goal in the 2016 Comprehensive Plan Update.

Project Support: This project seeks to provide open space and recreational opportunities for the community and has demonstrated this in its work with Luke Ridnour to acquire the buildings on site for the use of Ridnour Athletics Center, The Lynden Academy and future recreational opportunities. In addition, special attention is being paid to the western border of the property to maintain and enhance natural habitat.

- 7. Citizen Participation and Coordination: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Community Value Statements: The City of Lynden is committed to finding ways to further open positive channels of communication with the community. The City will consider a variety of methods of communication, such as the addition of a community newsletter or a page in the local newspaper as well as the use of the City’s website and social media to engage all members of the Lynden community.

Project Support: This project team is committed to working with the community to provide a project that is a net benefit to community members. The first thing that the project team

did, prior to pre-application with the City, was to voluntarily reach out to the surrounding neighbors and invite them into a dialogue. The team provided updates as to the state of the property and heard directly from neighbors as to their experience, concerns, and ideas. The team has continued to involve community members through individual meetings, a design charrette, and Lynden Planning Commission meetings and looks forward to continued engagement and support.

- 8. Public Facilities and Services: Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time that the development is available for occupancy and use without decreasing the current service levels below locally established minimum standards.

Community Value Statements: The City of Lynden will provide the community with sufficient police and fire protection to ensure the community’s safety. In addition, the community will be provided with appropriately scaled and quality City facilities, such as the library, senior center, parks and city hall.

Project Support: This project supports the City’s commitment to provide sufficient police and fire protection by being located within the city limits, and near existing fire protection infrastructure and other services. Lynden’s fire station, city hall, library and primary senior center are all within 1.5 miles of this project location. Required permit and impact fees will be paid to the City during the development of the Property, which will support these essential services. New roads, utilities, and storm water facilities will be developed to serve the project, consistent with adopted City standards.

A Growing Community

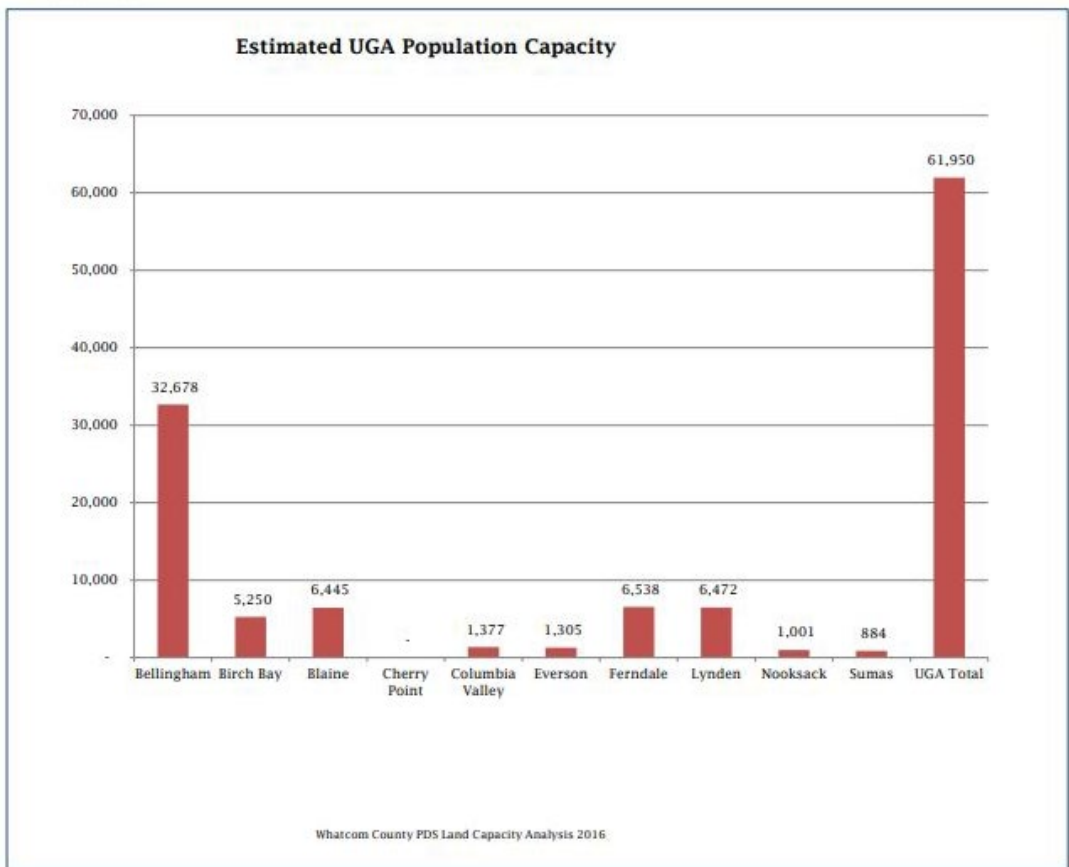
The City of Lynden has been experiencing a growth spurt for the last three decades. Lynden’s 2016 Comprehensive Plan update says, “an average growth of almost 3.5% since 1980 has made Lynden one of the fastest growing communities in the county.” Whatcom County’s Comprehensive Plan chapter on housing says a large portion of the growth the county can anticipate is attributable to in-migration as opposed to birth rate. In-migration, it says, results in changes to the county’s demographic makeup. “Increased minority, retirement-age, college age and single-parent household populations characterize demographic changes resulting from in-migration.” These types of residents typically have a lower median income than a family comprised of multiple working members, which limits their purchasing power and the housing they can afford.

The 2010 U.S. Census showed Whatcom County’s total population at 201,140 people. In 2010, with a population of 11,951, nearly 6% of Whatcom County residents lived in Lynden. By 2018 population had surged to over 14,700 residents, an increase to almost 7% of Whatcom County residents, reflecting the continued desirability of Lynden as one of the premier small cities in the

county. Estimates published in 2017 by the Office of Financial Management projected population growth by county put Whatcom County’s population in 2040 at 240,495 people.

Whatcom County’s 2016 Comprehensive Plan shows calculations that Lynden’s Urban Growth Area population capacity can accommodate 9.2% of the county’s projected growth between 2013 and 2036.³ By 2036, the population is anticipated to be at 19,591 people: an increase of 6,833 people between 2013 and 2036. Lynden’s estimated UGA population capacity is 6,472 people, shown in Exhibit 1 below. Whatcom County Comprehensive Plan population growth projections are differentiated by urban growth areas (UGAs) and non-urban areas (rural and resource lands). The UGA population capacity includes both lands proposed for future annexation into the City of Lynden and land already in the city limits.⁴

Exhibit 1. Table from 2016 Whatcom County Comprehensive Plan



Currently, Lynden’s UGA population capacity is not enough to meet the current projected growth, potentially leaving 361 people without housing options. If less housing is provided than is needed this will continue to drive costs upward, making housing less attainable. This project

³ City of Lynden’s Comprehensive Plan 2016 update, pg. 47

⁴ Population Growth Monitoring Report, 2018, Whatcom County Planning and Development Services

seeks to provide some of the additional capacity that Lynden desires, in order to meet its state-mandated growth obligations, and self-identified 2016 Comprehensive Plan objectives.

This allocation by Whatcom County, for population growth, means the City of Lynden must plan for the addition of more than 6,400 people to its community. This growth trend is supported by available census data. The 2016 update to the City of Lynden Comprehensive Plan states that to understand the growth and needs of the community, the City must examine its demographic characteristics and how they have changed over time.

Exhibit 2. Population Census, City of Lynden Comprehensive Plan 2016 update

Total Population	1990 Census		2000 Census		2010 Census	
	5709		9020		11951	
Age Breakdown	Number	Percent	Number	Percent	Number	Percent
under 5	526	9.2%	640	7.1%	888	7.4%
5 to 14	865	15.2%	1446	16.0%	1736	14.5%
15 to 24	681	11.9%	1173	13.0%	1447	12.1%
25 to 34	784	13.7%	1044	11.6%	1433	12.0%
35 to 44	729	12.8%	1255	13.9%	1374	11.5%
45 to 54	487	8.5%	1026	11.4%	1472	12.3%
55 to 64	477	8.4%	691	7.7%	1262	10.6%
65 to 74	589	10.3%	789	8.7%	1020	8.5%
75 to 84	395	6.9%	672	7.5%	816	6.8%
85 and older	176	3.1%	284	3.1%	503	4.2%

OFM’s 2017 population projections estimate the state’s population age 65 and older is expected to grow by almost 140% between 2010 and 2040. Accompanying this growth is the demand for housing that serves the needs of an older population, individuals who are often on fixed incomes, who have lower median incomes than working residents, and who desire smaller housing forms.

Between 2000 and 2010, every age group in Lynden over age 55 grew substantially.

- 25 to 34, increased by 389 people
- 35 to 44, increased by 119 people
- 55 to 64, increased by 571 people
- 65 to 74, increased by 231 people
- 75 to 84, increased by 144 people

In total, Lynden’s retirement age population grew approximately 1,454 people. While accurate numbers are not yet available for the period of 2010 to 2019, the trend shows Lynden’s retired population is growing at the same pace. Lynden’s 2016 Comprehensive Plan Update shows 20% of the population is over the age of 65.

Planning to Meet the Housing Need

The City of Lynden’s 2016 Comprehensive Plan update detailed the breakdown of existing housing units by owner-occupied and renter-occupied. The plan set goals and policies to meet the needs of Lynden’s community and accommodate the influx of residents to come.

“While both Whatcom County and Lynden have seen dramatic population growth in the last 40 years, Lynden has grown at a higher rate. Consequently, the proportion of the overall county population attributable to Lynden has risen significantly during the past four decades to nearly 6%.”⁵

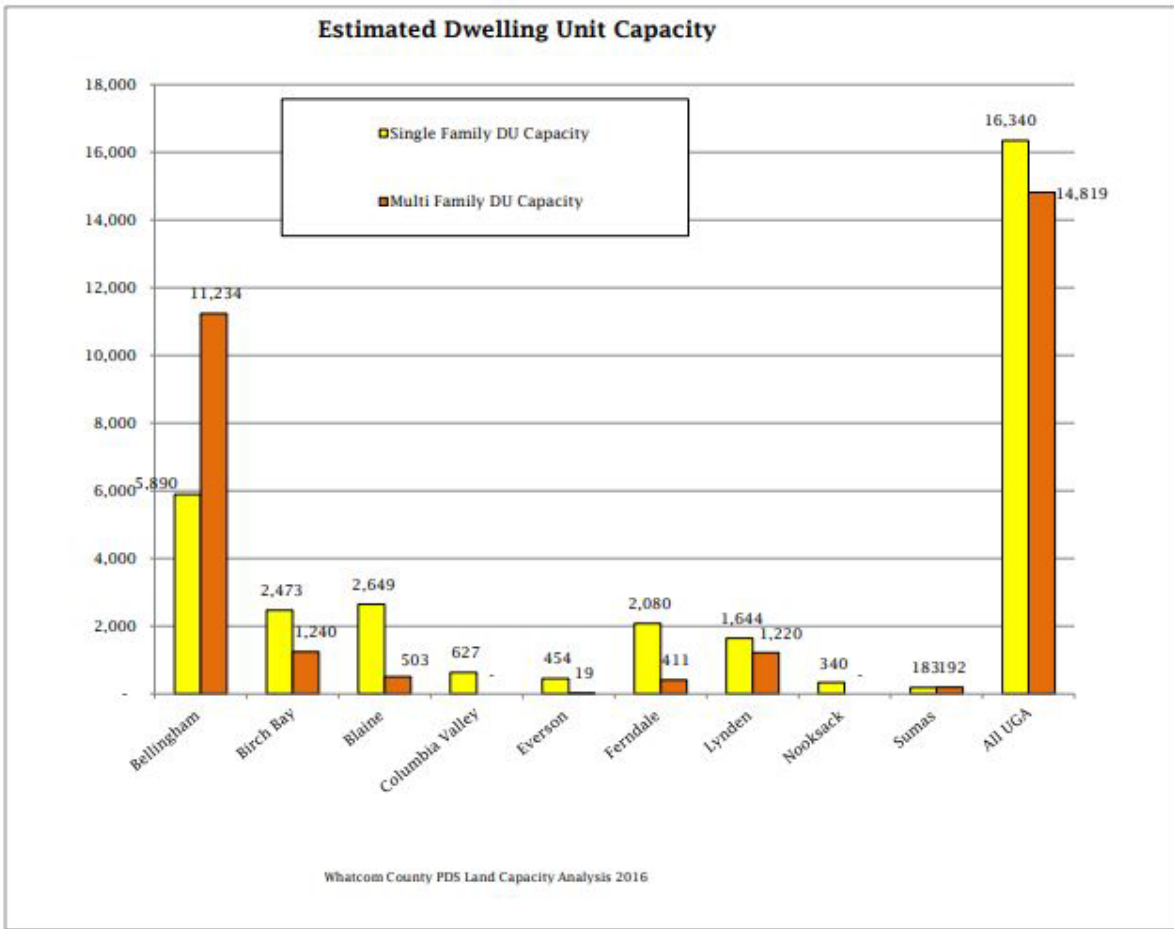
The 2016 Comprehensive Plan update uses information from the American Community Survey (ACS), a U.S. Census Bureau program, to provide a picture of Lynden’s housing stock. At that time, single-family residences comprised 73% of the housing stock, and multi-family units comprised 27%. “Duplexes, triplexes and four-plexes combine to total 615 units, with an average occupancy rate of slightly above 90%.” Housing complexes with five or more units comprise 14.9% of the City’s housing units, and these had a 94% occupancy rate. Multifamily buildings with 20 or more units house 10% of Lynden’s population.⁶ Single-family units house 67% of Lynden’s population.⁷ It is clear that residents of Lynden have historically preferred single-family housing forms. However, demand is high for all housing forms.

U.S. Census Bureau data shows between 2013 and 2017 there were 5,193 households in Lynden. According to Lynden’s 2016 Comprehensive Plan update, those households were accommodated with 3,070 owner-occupied units (66.8%) and 1,524 renter-occupied units (33.2%).

In the 2016 Whatcom County Comprehensive Plan, Whatcom County estimated the dwelling unit capacity for each city. This number is based on the available land, its zoning and density, and its developable capacity. Whatcom County determined Lynden has capacity for 1,644 new single-family units and 1,220 new multi-family units, shown in Exhibit 3.

⁵ City of Lynden’s Comprehensive Plan 2016 update, pg. 11
⁶ City of Lynden’s Comprehensive Plan 2016 update, pg. 48
⁷ City of Lynden’s Comprehensive Plan 2016 update, pg. 48

Exhibit 3. Estimated Unit Capacity, 2016 Whatcom County Comprehensive Plan



To plan for future growth, the City must make assumptions about the type of housing needed to accommodate 6,400 new residents.⁸ In the next 20 years, through 2036, Whatcom County estimates Lynden will need to build 1,887 single-family units, 527 multifamily units, and 97 other unit types, illustrated in Exhibit 4.⁹

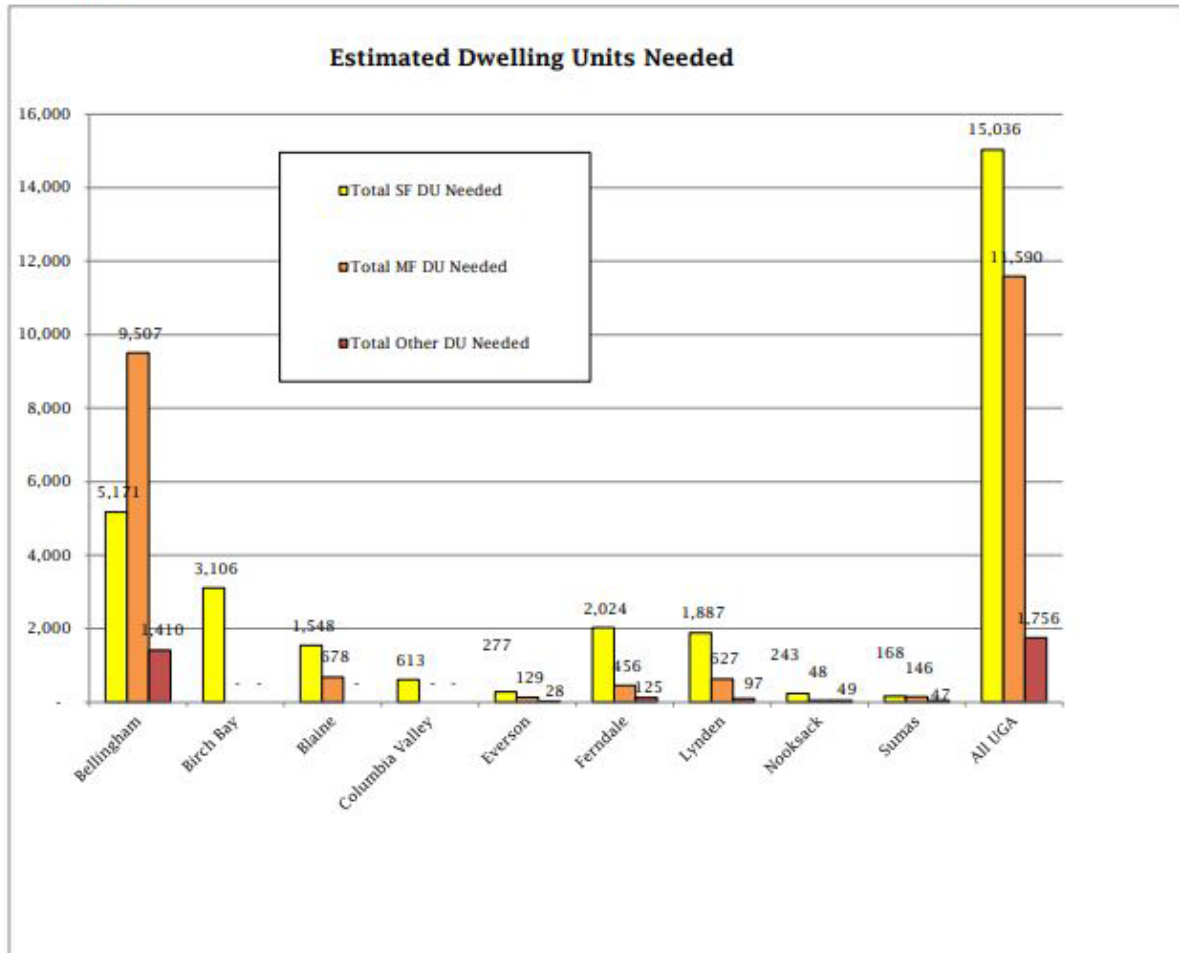
This data shows that based on available land area Lynden will be approximately 240 single-family housing units short of its expected demand. This deficit will contribute to increased housing costs for Lynden residents. To meet this demand Lynden will need to build almost 100 new homes per year, more than 25 new multifamily units per year, and almost 5 other unit types per year. By providing marginally increased density to roughly 135 units, all of which are in the single-family/duplex housing form, this project can help the City meet its Comprehensive Plan

⁸ City of Lynden’s Comprehensive Plan 2016 update, pg. 50

⁹ Whatcom County Comprehensive Plan 2016, Chapter 3 Housing, pg. 3-5

goals for future housing needs.

Exhibit 4. Estimated Unit Counts by Type, 2016 Whatcom County Comprehensive Plan



As determined in the City’s 2016 Comprehensive Plan update, to meet the City’s density goals the percentage of single-family to multi-family residences will need to adjust to 60% single-family and 40% multi-family units, articulated in Goal H-2 and Policy 2.1.

Goal H-2: Provide a mix of single-family and multifamily homes that achieves the density necessary to accommodate projected growth over the 20-year planning period.

Policy 2.1: Zoning should be applied to ensure that future residential development over the planning period is composed of approximately 60% single-family units and 40% multifamily units.

How is Lynden achieving that mix?

While the number of building permits does not equate to the number of completed and available residential units, it indicates Lynden is moving toward the 60% single-family and 40% multi-family mix it aims to achieve. **However, Lynden is not building enough housing units, particularly single-family housing units, to meet overall projected demand.** Lynden needs 1,887 single family housing units, which equates to approximately 95 units annually. Current data reflects an average of only 75 units annually, during a peak housing construction market. This project can help address this deficiency and increase the ability for the City of Lynden to meet its Comprehensive Plan objectives.

Between 2004 and 2016, according to the 2016 Comprehensive Plan update, 834 new single-family homes and 119 new multi-family homes were built. The City of Lynden reported in December 2018 the following annual building permit totals since 2016:

2016

- 78 single-family residences (65%)
- 42 multi-family units (including duplex units) (35%)

2017

- 78 single-family residences (51.3%)
- 74 multi-family units (including duplex units) (48.7%)

2018

- 75 single-family residences (34.9%)
- 140 multi-family residences (65.1%)

Housing Affordability & Market Conditions

“Looking ahead, the incomes of working people in Whatcom County will make affordability one of the County’s biggest challenges.”¹⁰

— *Whatcom County Comprehensive Plan, 2016*

The conventional indicator of housing affordability is the percentage of income a household spends on housing, according to a U.S. Census Bureau report titled, “Who Can Afford to Live in a Home?: A look at data from the 2006 American Community Survey.” If housing expenditures

¹⁰ Whatcom County Comprehensive Plan 2016, Chapter 3 Housing, pg. 3-8

exceed 30% of income, the household is considered “burdened” per the United States National Housing Act of 1937.¹¹

How is Lynden helping its residents stay under that threshold?

In 2017, the median household income increased 5.8% to \$62,478, according to U.S. Census Bureau data.¹² While family incomes are increasing, these increases are not proportionate to the cost of mortgages and rents. If median household income is \$62,478 this will permit a Lynden resident to spend \$18,743 annually on housing (30% of income). This equates to \$1,561 on rent/mortgage, insurance and taxes. Many rental properties in Lynden that can accommodate families are not available at this price point and, equally important, the majority of homes for sale in Lynden are not available at a sale price that this monthly allocation can accommodate.

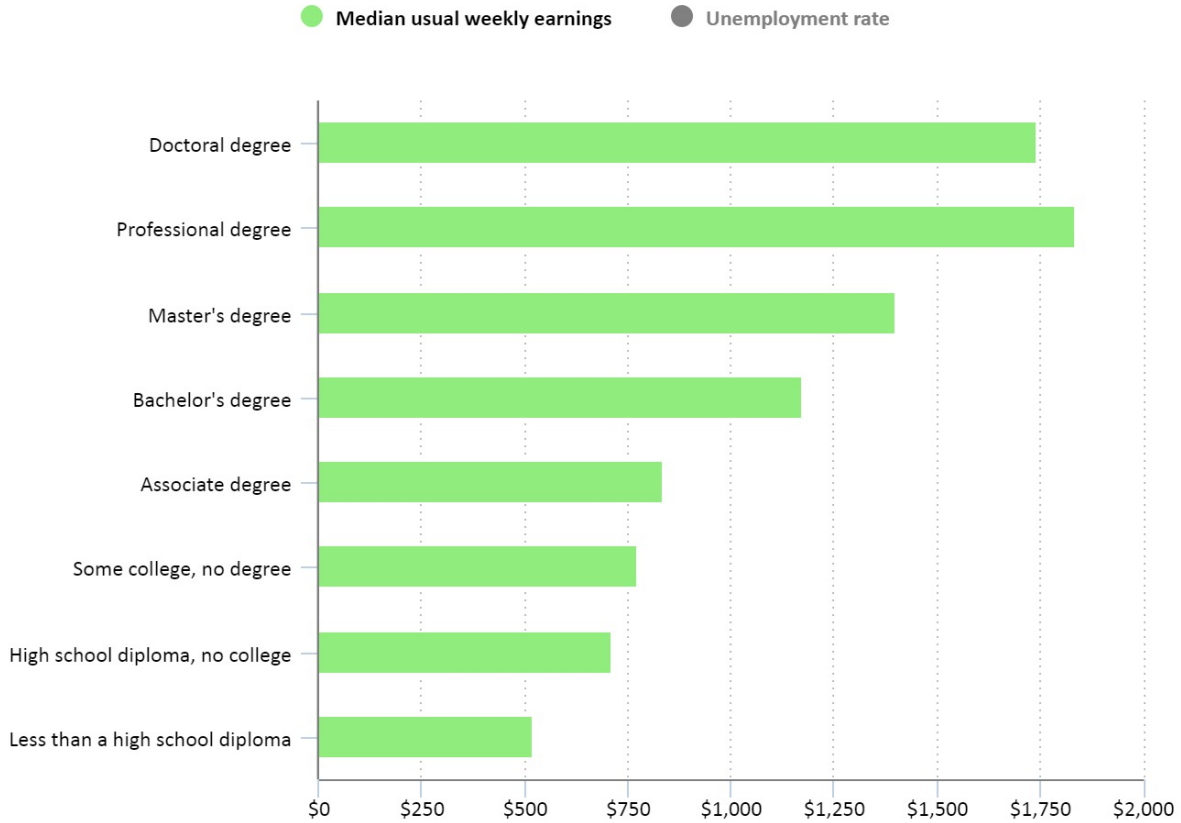
Median Income	\$62,478
30% of Income to Housing	\$18,743
20% of Housing Cost to taxes & insurance	\$3,749
80% of Housing Cost to mortgage	\$14,995
Monthly mortgage payment	\$1,250
30 year mortgage interest rate	4.25%
Attainable mortgage	\$262,290
Attainable home with 20% down	\$327,862

¹¹ “Who Can Afford to Live in a Home?: A look at data from the 2006 American Community Survey,” Schwarts, Mary and Ellen Wilson, 2008, U.S. Census Bureau

¹² U.S. Census Data 2013-2017

Exhibit 5. Median Weekly Earnings 2017, Bureau of Labor Statistics

Median weekly earnings and unemployment rate by educational attainment, 2017



Click legend items to change data display. Hover over chart to view data.
Note: Data are for persons age 25 and over. Earnings are for full-time wage and salary workers.
Source: U.S. Bureau of Labor Statistics.



Market data shows us how this gap between wages, living costs, and demand is already impacting Lynden’s community.

The median sale price in the last year for a single-family residence in Lynden was \$399,000, according to Statistical Market Analysis from December 2019. The average price in the last year was \$423,528. There were 268 residential sales in that time frame, with 31 additional listings. Median new construction sale price in the last year was \$448,643 with 26 sales. There are currently 8 active listings under \$400,000.

	All Homes	New Homes
Median home sales price in Lynden for 2018	\$392,125	\$466,080
Housing costs for 2018 median price as a percentage of income		
Median Income, Lynden - \$62,478	36%	43%
Bachelors Degree - \$60,996 (\$1,173 ¹³ /week x 52 weeks)	37%	44%
High School Diploma - \$37,024 (\$712 ¹⁴ /week x 52 weeks)	61%	72%

This has naturally impacted both mortgage payments and rents. The median mortgage payment in Lynden increased from \$1,215 to \$1,593 in one decade. Since 2010, that number is now \$1,647.¹⁵ This does not include Home Owner Association dues which are applicable in many newer Lynden developments. Median rent has followed suit, increasing from \$688 to \$904 from 2000 to 2010.¹⁶ U.S. Census Bureau data shows that’s increased, as well. Between 2013 and 2017, median gross rent spiked to \$1,183, a 30% increase in 7 years.¹⁷ For a resident in Lynden with a high school diploma making on average \$712 a week (\$37,024 per year), a median rent represents 38% of monthly earnings.

This means that whether you are renting or buying a home at the median income in Lynden you are spending 25% to 140% more on housing than is generally recommended as healthy. *What can the City of Lynden do?*

Housing costs are influenced by many factors that are outside of the control of a community or its government. In-migration, mortgage rates, the job market and other factors all influence the ability for a community’s residents to have quality housing at an achievable cost. One factor that a community can influence is the supply of available housing and the type of housing that it provides for its residents.

In Lynden, as across Whatcom County and the Pacific Northwest, residents’ purchasing power simply does not afford them the homes and properties that were historically available. In order for housing prices and opportunities to remain attainable in Lynden, denser neighborhoods, a mix of housing types, and smaller homes, will need to become a component of the residential fabric of the community. For the subject property, the higher density is proposed to be accommodated in a design and layout that respects surrounding land use patterns and provides appropriate transition to neighboring properties.

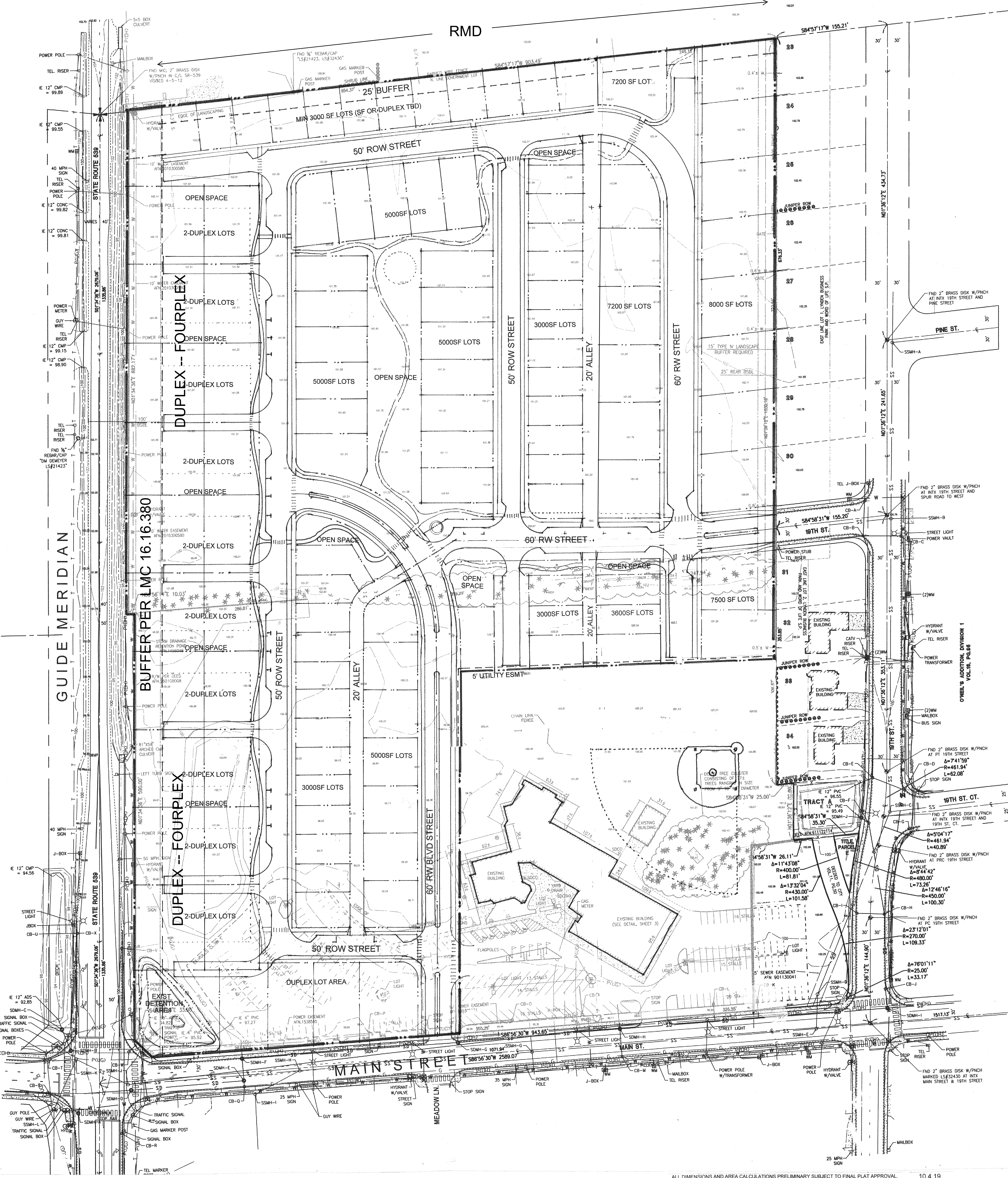
¹³ “Measuring the value of education,” Elka Torpey, April 2018, Bureau of Labor Statistics

¹⁴ “Measuring the value of education,” Elka Torpey, April 2018, Bureau of Labor Statistics

¹⁵ U.S. Census Data 2010

¹⁶ U.S. Census Data 2010

¹⁷ U.S. Census Data 2013-2017



PRELIMINARY
Master Plan Concept
LionsGate
LYNDEN, WASHINGTON

PRELIM. LOT SUMMARY:

8000 SF LOTS:	8
7200 SF LOTS:	2
5000 SF LOTS:	7
3600 SF LOTS:	25
3000 SF LOTS:	3
DUPLX LOTS:	24 (48 UNITS)

SITE AREA: 22.1 ACRES

OPEN SPACE:	103,665 SF (2.18 AC)
SMP BUFFER:	51,550 SF (1.17 AC)
PRD BUFFER:	21,250 SF (0.55 AC)
TOTAL OPEN:	176,465 SF (4.05 AC - 18.3%)

Planned Residential Development (19.21.101)

44

ALL DIMENSIONS AND AREA CALCULATIONS PRELIMINARY SUBJECT TO FINAL PLAT APPROVAL. 10.4.19

DEVELOPMENT STRATEGIES
MASTER PLANNING
ARCHITECTURAL CONCEPTS
DESIGN CHARTERS

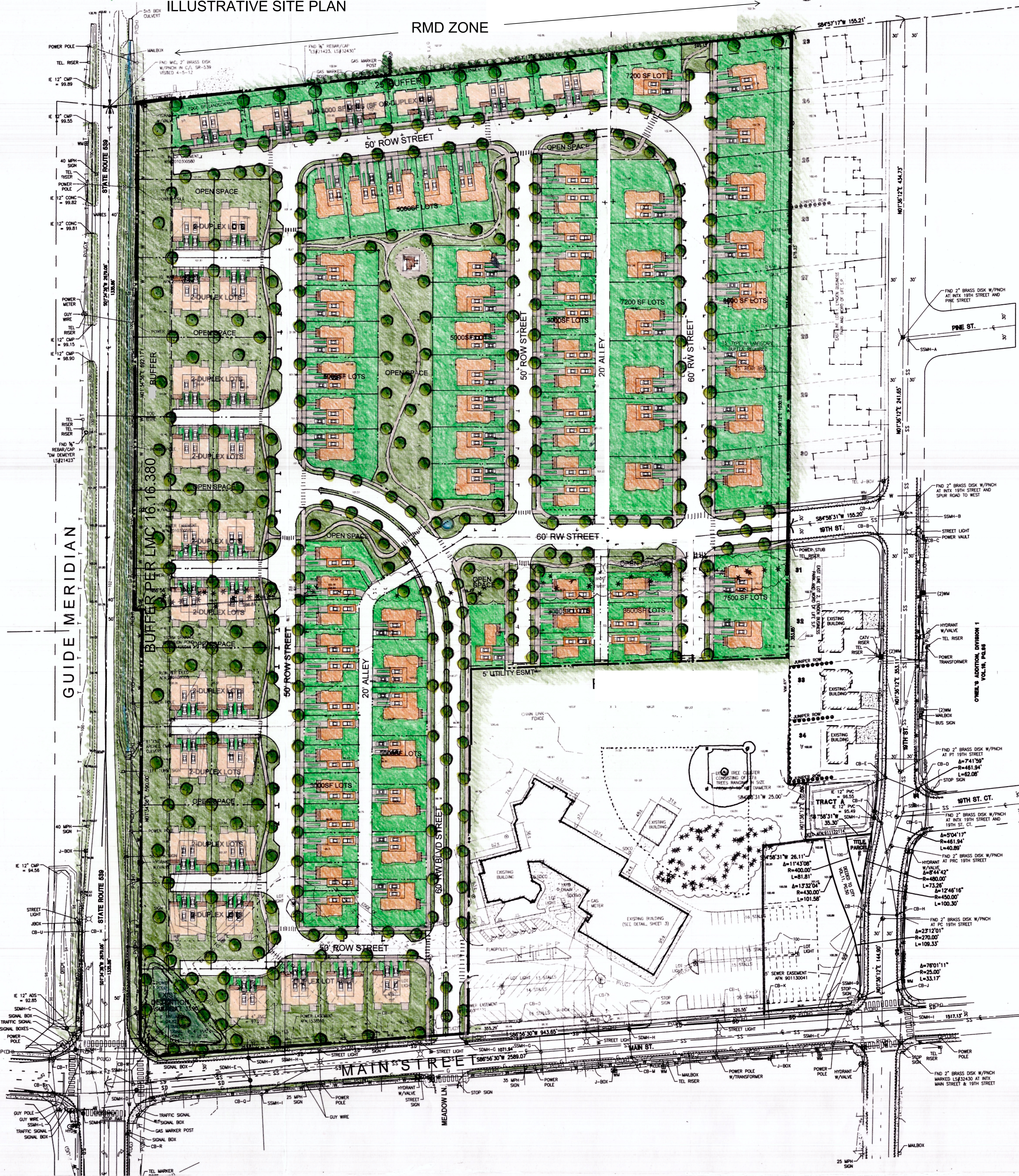
Christensen
DESIGN MANAGEMENT

CDM

P.O. BOX 9988 | BELLEVUE, WA 98007-0988 | 360-476-4200 | FAX 360-476-4201
www.masterplanning.com | E-MAIL: cdm@masterplanning.com

ILLUSTRATIVE SITE PLAN

RMD ZONE



PRELIM. LOT SUMMARY:

8000 SF LOTS:	8
7500 SF LOTS:	2
7200 SF LOTS:	7
5000SF LOTS:	25
3600SF LOTS:	3
3000 SF LOTS:	41
DUPLEX LOTS:	24 (48 UNITS)
TOTAL LOTS:	110 (134 HOMES)

SITE AREA:	22.1 ACRES
OPEN SPACE:	103,665 SF (2.18 AC)
SRP BUFFER:	51,550 SF (1.17 AC)
PRD BUFFER:	21,250 SF (0.55 AC)
TOTAL OPEN:	176,465 SF (4.05 AC = 18.3%)

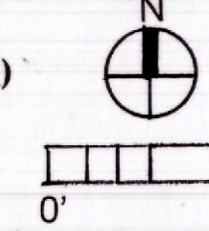
ALL DIMENSIONS AND AREA CALCULATIONS PRELIMINARY SUBJECT TO FINAL PLAT APPROVAL.

10.4.19

PRELIMINARY
Master Plan Concept
LionsGate
LYNDEN, WASHINGTON

Planned Residential Development (19.21.101)

45



DEVELOPMENT STRATEGIES
MASTER PLANNING
ARCHITECTURAL CONCEPTS
DESIGN CHARTERETS

Christensen
DESIGN MANAGEMENT

P.O. BOX 50681 BELLINGHAM, WA 98227-0681 360-676-4800 FAX 360-676-4033
www.masterplanning.com | E-MAIL: cdn@masterplanning.com

CDM

PROPOSED ZONING

2019-0803655

CITY BIBLE CHURCH SHORT PLAT

A PORTION OF GOV'T LOT 1, (NW4, NW4), SECTION 19,
TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.,
WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON

PROPOSED RMD ZONE

LOT 1
21.83 ACRES

LOT 2
4.80 ACRES

SURVEYOR'S NOTES:

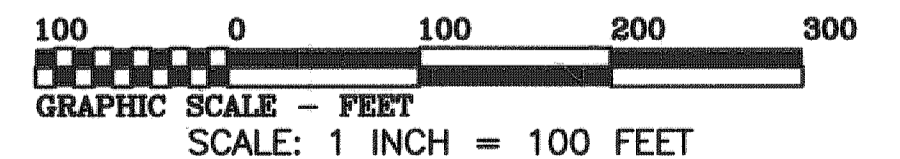
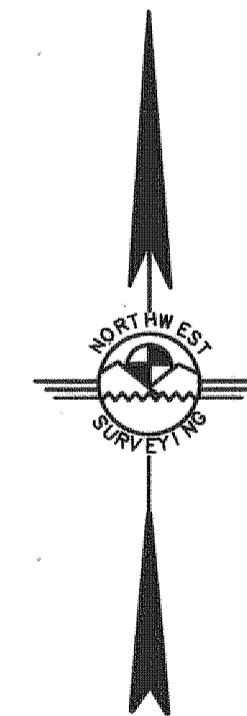
- "O" DENOTES 5/8 INCH REBAR WITH 1 INCH PLASTIC CAP MARKED "NWS & GPS 49276 & 50982" SET FOR LOT CORNERS IN JULY OF 2019.
 - "●" DENOTES CAPPED REBAR MARKED "LS.32430" FOUND BY THIS SURVEY.
 - "⊙" DENOTES BRASS DISC, FOUND BY THIS SURVEY.
 - "□" DENOTES HUB AND LATH SET FOR POINTS ON LINE.
 - "⊙" DENOTES NAIL & FLASHER MARKED "LS.49276 & 50982" FOR POINT ON LINE.
 - "*" DENOTES CALCULATED POINT ONLY.
 - THIS SURVEY WAS PERFORMED BY STANDARD FIELD TRAVERSE USING A LEICA TS12 TOTAL STATION WITH A CARLSON SURVEYOR 2 DATA COLLECTOR/FIELD COMPUTER IN JULY OF 2019.
 - THIS SURVEY TIED INTO CONTROL POINTS FROM OUR PREVIOUS WORK WITHIN THE AREA AND STREET MONUMENTATION AND LOT CORNERS AS SHOWN AND RELIED UPON THE CITY BIBLE CHURCH LOT LINE ADJUSTMENT FILED UNDER AF No. 2016-0200775 FOR SECTION SUBDIVISION. AND BASIS OF BEARINGS.
 - THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A SUBDIVISION GUARANTEE (OR PLAT CERTIFICATE) AND DOES NOT PURPORT TO SHOW ANY OR ALL EASEMENTS THAT A CURRENT TITLE REPORT MIGHT REVEAL.
 - PARKING LAYOUT IS APPROXIMATE AND TRACED FROM AN AERIAL PHOTOGRAPH. FOR PARKING STALL INFORMATION SEE CITY BIBLE LOT LINE ADJUSTMENT FILED UNDER AF No. 2016-0200775 AND PARKING AGREEMENT ON FILE AT THE CITY OF LYNDEN.
- ////// DENOTES VEHICULAR ACCESS PROHIBITION AREA 635' NORTH AND 400' EAST OF THE SOUTHWESTERLY CORNER OF LOT 1.

OCCUPATION NOTES:

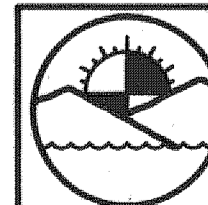
- Ⓐ NORTH END OF FENCE LIES 0.5' WEST OF LOT LINE.
- Ⓑ SOUTH END OF FENCE LIES 0.6' WEST OF LOT LINE.
- Ⓒ NORTH END OF FENCE LIES 0.3' WEST OF LOT LINE.
- Ⓓ FENCE CORNER LIES 0.6' WEST OF LOT CORNER.
- Ⓔ FENCE CORNER LIES 0.6' EAST AND 2.1' NORTH OF LOT CORNER.

Curve	Radius	Length	Delta
C1	461.94'	102.97'	12°46'16"
C2	450.00'	100.30'	12°46'16"

Course	Bearing	Distance
L1	S 01°36'16" W	145.00'
L2	N 84°58'35" E	25.01'
L3	S 01°36'16" W	80.00'
L4	S 84°58'35" W	53.18'
L5	N 45°43'43" W	20.29'



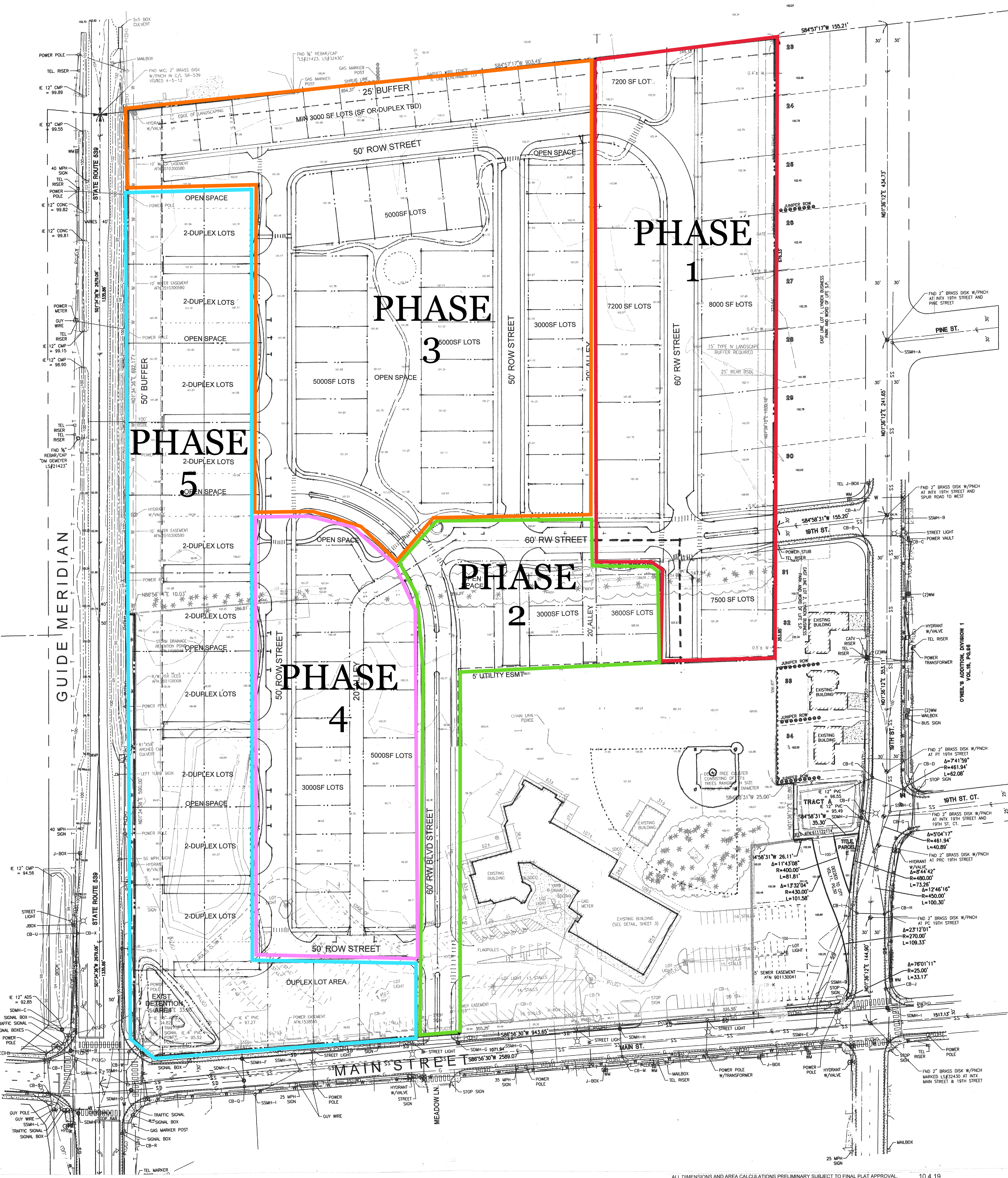
BASIS OF BEARINGS =
CITY OF LYNDEN SURVEY
MONUMENT NETWORK



NORTHWEST SURVEYING & GPS, INC.
Jeromy M. DeMeyer, L.S. No. 50982
Brett W. De Vries, L.S. No. 49276
407 5TH STREET, LYNDEN WASHINGTON, 98264
PH. (360) 354-1950 NWSURVEY.COM

DRAWN BY: BRETT	DATE: 08/23/19	JOB NO.: 19-74
REVIEWED BY: JEROMY	DIR: \194003 CRD: 194003.CRD	SHEET: 2 OF 2

PROPOSED PHASING PLAN



PRELIMINARY
Master Plan Concept
LionsGate
 LYNDEN, WASHINGTON

PRELIM. LOT SUMMARY:

8000 SF LOTS:	8
7500 SF LOTS:	2
7200 SF LOTS:	7
5000SF LOTS:	25
3600SF LOTS:	3
3000 SF LOTS:	41
DUPLEX LOTS:	24 (48 UNITS)

SITE AREA: 22.1 ACRES

OPEN SPACE: 103,665 SF (2.18 AC)
SMP BUFFER: 51,550 SF (1.17 AC)
PRD BUFFER: 21,250 SF (0.55 AC)

TOTAL OPEN: 176,465 SF (4.05 AC= 18.3%)

47 Planned Residential Development (19.21.101)

ALL DIMENSIONS AND AREA CALCULATIONS PRELIMINARY SUBJECT TO FINAL PLAT APPROVAL. 10.4.19

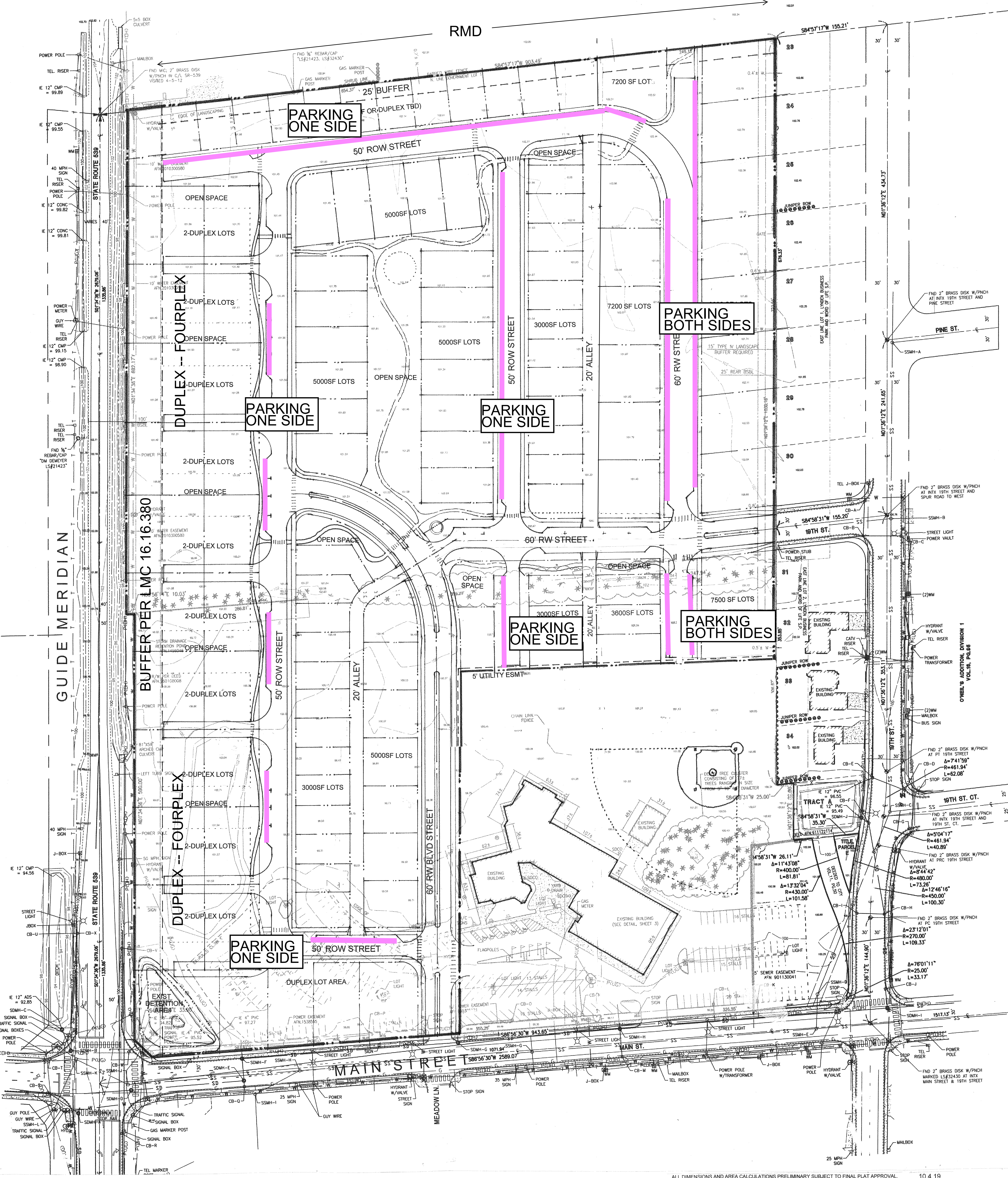
DEVELOPMENT STRATEGIES
 MASTER PLANNING
 ARCHITECTURAL CONCEPTS
 DESIGN CHARTERETS

Christensen
 DESIGN MANAGEMENT

CDM

P.O. BOX 9984 9 BELLEVUE, WA 98027-0984 360-476-4200 FAX 360-476-4201
 www.masterplanning.com E-MAIL: cdm@masterplanning.com

PARKING PLAN



GUIDE MERIDIAN

BUFFER PER LMC 16.16.380

DUPLX -- FOURPLX

DUPLX -- FOURPLX

PARKING ONE SIDE

PARKING ONE SIDE

PARKING ONE SIDE

PARKING ONE SIDE

PARKING ONE SIDE

PARKING BOTH SIDES

PARKING BOTH SIDES

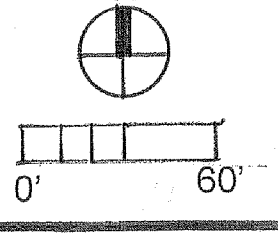
PRELIMINARY
Master Plan Concept
LionsGate
LYNDEN, WASHINGTON

PRELIM. LOT SUMMARY:
8000 SF LOTS: 8
7500 SF LOTS: 2
7200 SF LOTS: 7
5000SF LOTS: 25
3600SF LOTS: 3
3000 SF LOTS: 41
DUPLX LOTS: 24 (48 UNITS)

SITE AREA: 22.1 ACRES
OPEN SPACE: 103,665 SF (2.18 AC)
SMP BUFFER: 51,550 SF (1.17 AC)
PRD BUFFER: 21,250 SF (0.55 AC)
TOTAL OPEN: 176,465 SF (4.05 AC= 18.3%)

49

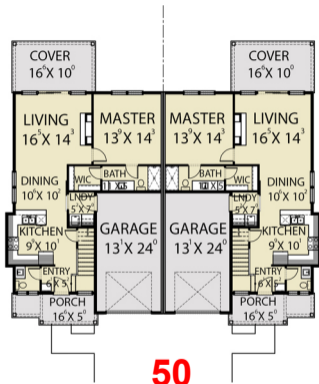
Planned Residential Development (19.21.101)



DEVELOPMENT STRATEGIES
MASTER PLANNING
ARCHITECTURAL CONCEPTS
DESIGN CHARARTRES
Christensen
DESIGN MANAGEMENT
P.O. BOX 9984 1 BELLEVUE, WA 98027-0984 360-476-4200 FAX 360-476-4201
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CDM

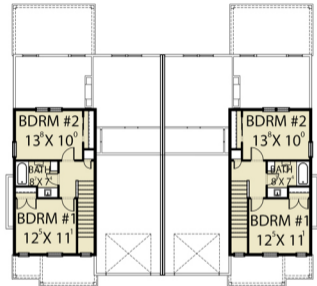
ALL DIMENSIONS AND AREA CALCULATIONS PRELIMINARY SUBJECT TO FINAL PLAT APPROVAL. 10.4.19



107

50

MAIN FLOOR PLAN



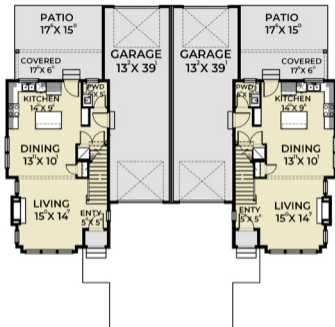
108

SECOND FLOOR PLAN

51



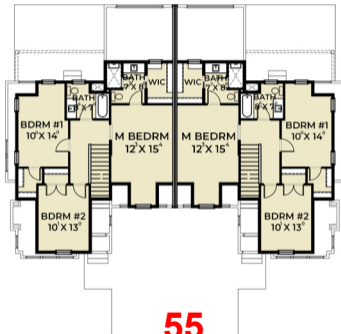




111

54
MAIN FLOOR PLAN

112



55

SECOND FLOOR









1950



117

60

24 - 40 - 2E

1950

118



61

19 - 40 - 3E

1961

119



Note: -
 Entire Sec. Except pt.
 of SE 1/4 is level to undulate

Well drained
 deep soil

12 FISHING
 DIRT

62

24-40-2E

1975

THIS MAP IS FOR LOCATING
PROPERTY AND NOT GUARANTEED
OF MEASUREMENTS.

121



64

24-40-2E

1975



THIS MAP IS FOR LOCATING
PROPERTY AND NOT GUARANTEED
OF MEASUREMENTS.

65

19-40-3E

1986

123



66

24 - 40 - 2E

1986

124



67

19 - 40 - 3E

1998



Google Earth

Image © 2019 Maxar Technologies

24 - 40 - 2E

1998



2006

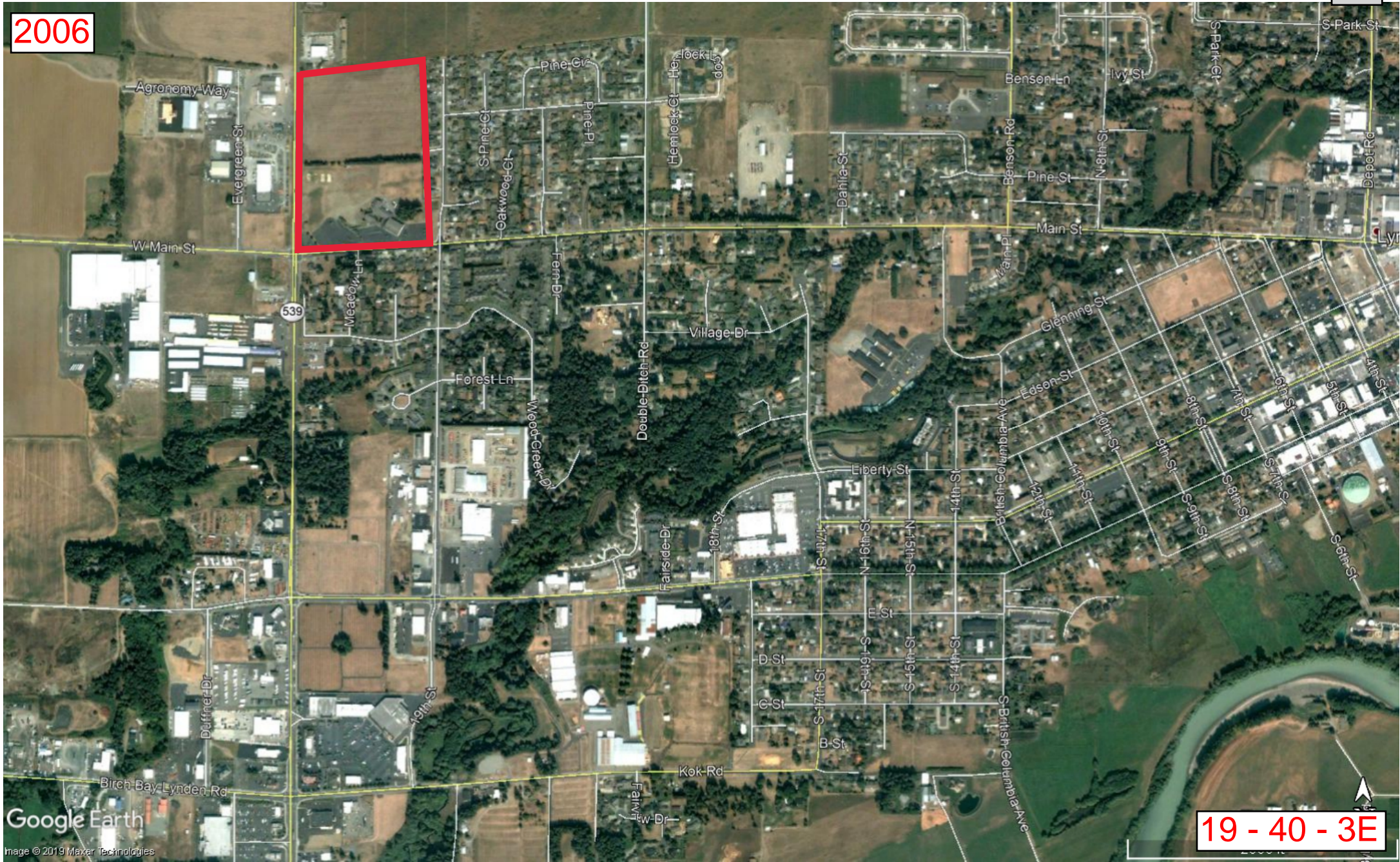


Google Earth

Image © 2019 Maxar Technologies

24 - 40 - 2E

2006



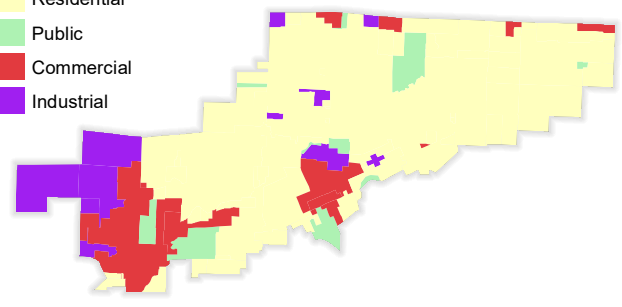
19 - 40 - 3E

Zoning

City of Lynden

General Zoning Designations

- Residential
- Public
- Commercial
- Industrial

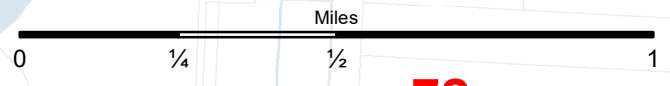


Specific Designations

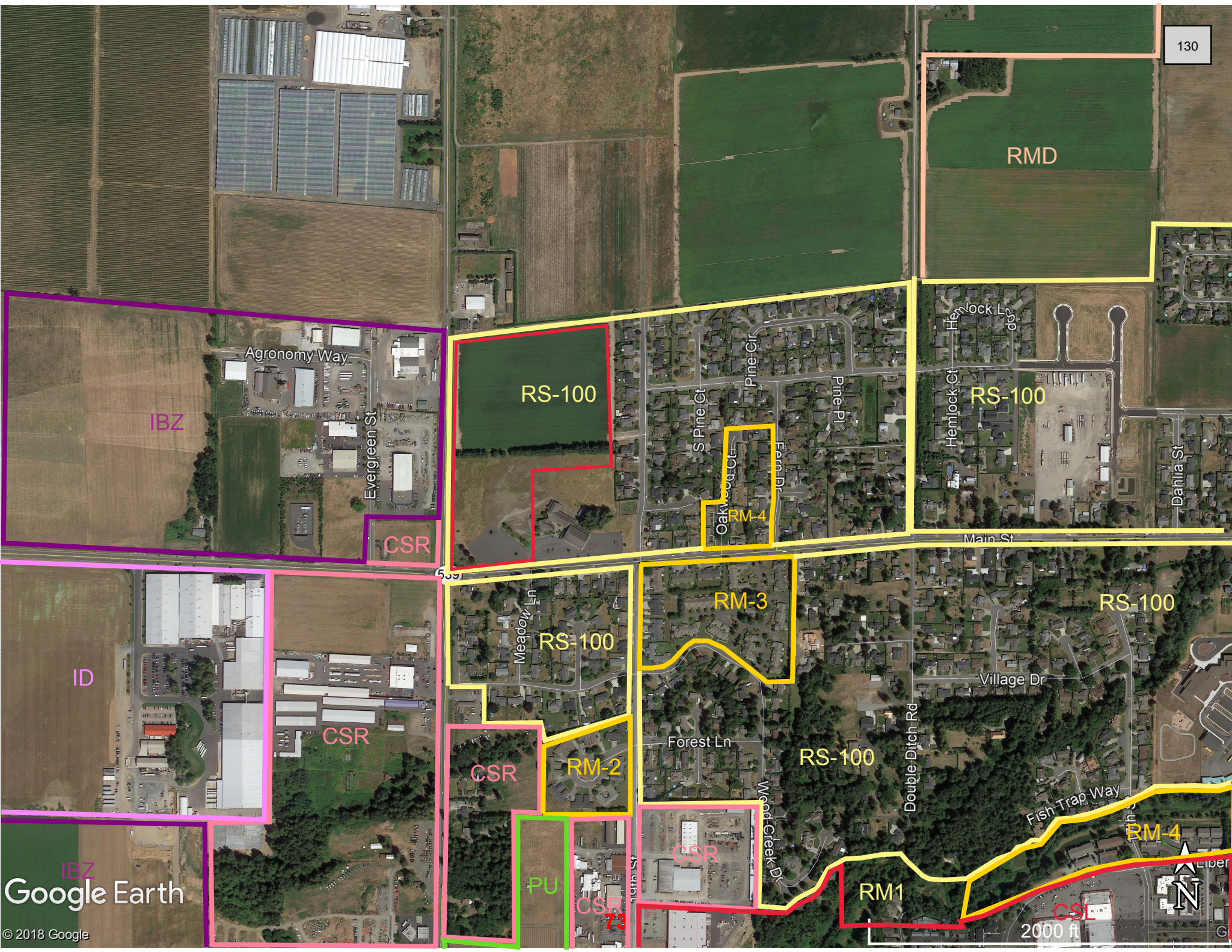
- Residential**
- RS-100, Residential Single Family (Min. Property: 10,000 sqft.)
 - RS-84, Residential Single Family (Min. Property: 8,400 sqft.)
 - RS-72, Residential Single Family (Min. Property: 7,200 sqft.)
 - RMD, Residential Mixed Density
 - RM-1, Residential Multi-Family 1 - Up to 2 Units/Building
 - RM-2, Residential Multi-Family 2 - Up to 4 Units/Building
 - RM-3, Residential Multi-Family 3 - Up to 12 Units/Building
 - RM-4, Residential Multi-Family 4 - Up to 50 Units/Building
 - MH, Manufactured Housing
 - TR-RW, Travel Trailer & RV
- Public Use**
- PU, Public Use
- Commercial**
- CSR, Regional Commercial Services
 - CSL, Local Commercial Services
 - HBD, Historic Business District
- Industrial**
- ID, Industrial District
 - IBZ, Industrial Business Zone
- Additional Designations**
- Overlay

Features

- UGA, Urban Growth Area (Unincorporated)
- Planned Residential Development
- Parcel
- City Limits
- Water Ways



For Reference Only
Date: Tuesday, December 18, 2018



130

RMD

IBZ

Agronomy Way

Evergreen St

CSR

RS-100

RM-4

S Pine Ct

Pine Cir

Pine Pl

Hemlock Ct

Hemlock Ln

RS-100

Dahlia St

Main St

ID

CSR

RS-100

Meadow Ln

RM-3

RS-100

Village Dr

CSR

RM-2

Forest Ln

RS-100

Double Ditch Rd

Fish Trap Way

IBZ
Google Earth

PU

CSR

CSR

RM-1

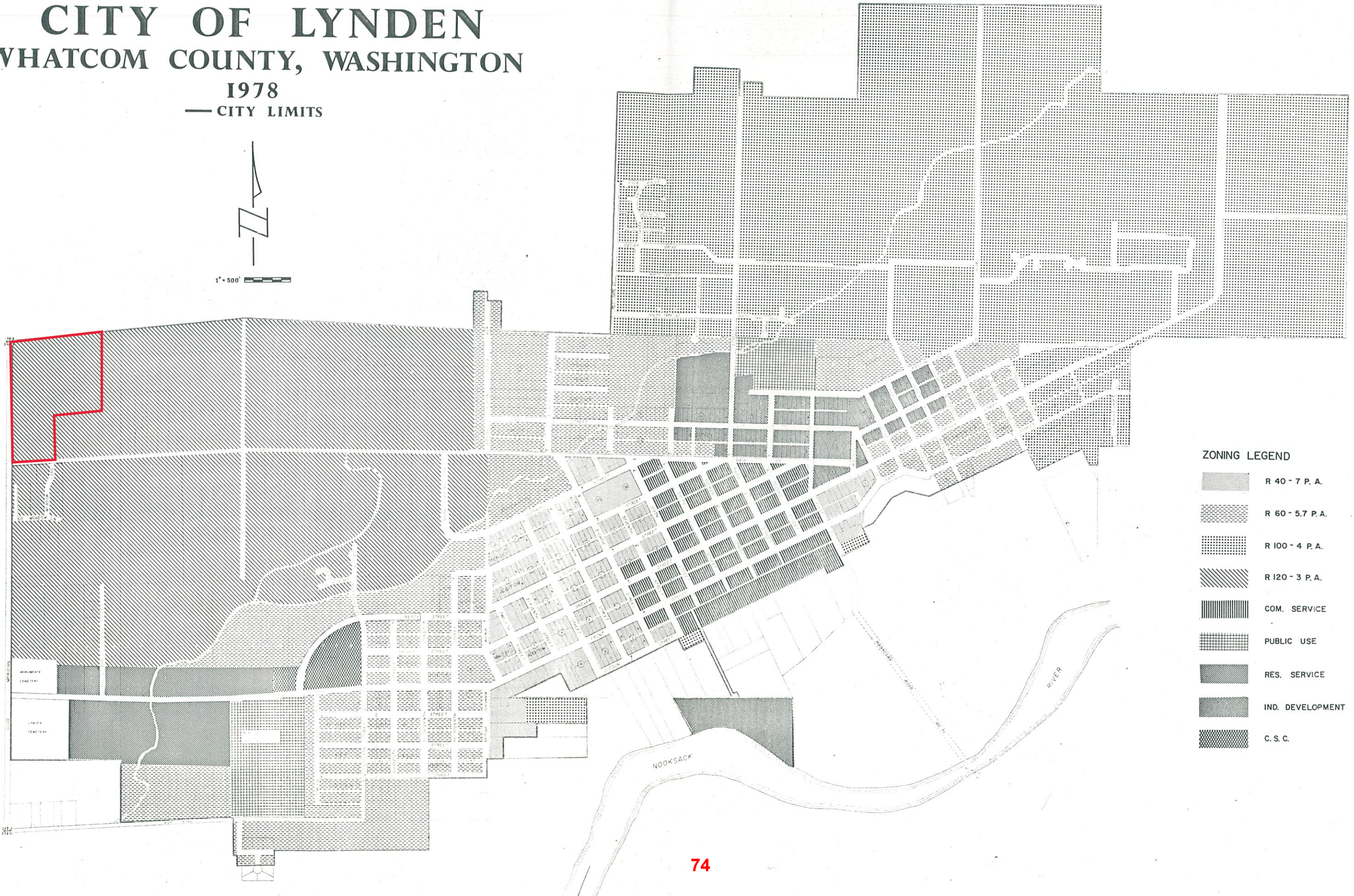
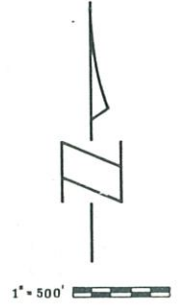
RM-4

2000 ft



CITY OF LYNDEN WHATCOM COUNTY, WASHINGTON

1978
— CITY LIMITS



ZONING LEGEND

[Pattern]	R 40 - 7 P. A.
[Pattern]	R 60 - 5.7 P. A.
[Pattern]	R 100 - 4 P. A.
[Pattern]	R 120 - 3 P. A.
[Pattern]	COM. SERVICE
[Pattern]	PUBLIC USE
[Pattern]	RES. SERVICE
[Pattern]	IND. DEVELOPMENT
[Pattern]	C. S. C.

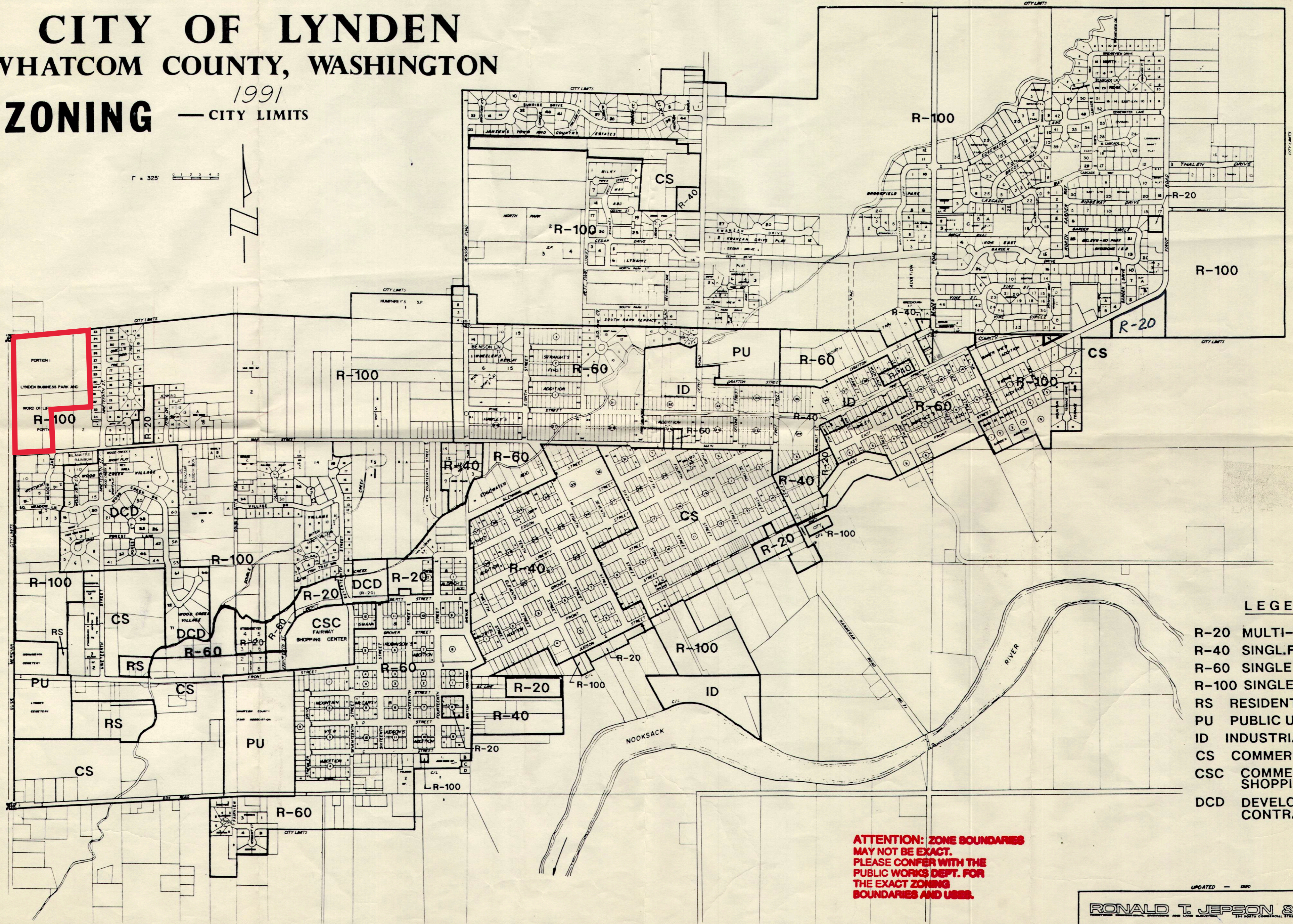
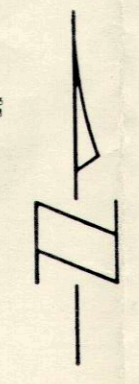
CITY OF LYNDEN

WHATCOM COUNTY, WASHINGTON

1991 ZONING

— CITY LIMITS

Scale: 1" = 325'



LEGEND

- R-20 MULTI-FAMILY
- R-40 SINGL.FAM-4 UNITS
- R-60 SINGLE FAMILY
- R-100 SINGLE FAMILY
- RS RESIDENTIAL SERVICE
- PU PUBLIC USE
- ID INDUSTRIAL
- CS COMMERCIAL
- CSC COMMERCIAL SHOPPING CENTER
- DCD DEVELOPMENT CONTRACT DISTRICT

ATTENTION: ZONE BOUNDARIES MAY NOT BE EXACT. PLEASE CONFER WITH THE PUBLIC WORKS DEPT. FOR THE EXACT ZONING BOUNDARIES AND USES.

UPDATED — 8/90
RONALD T. JEPSON & ASSOC.

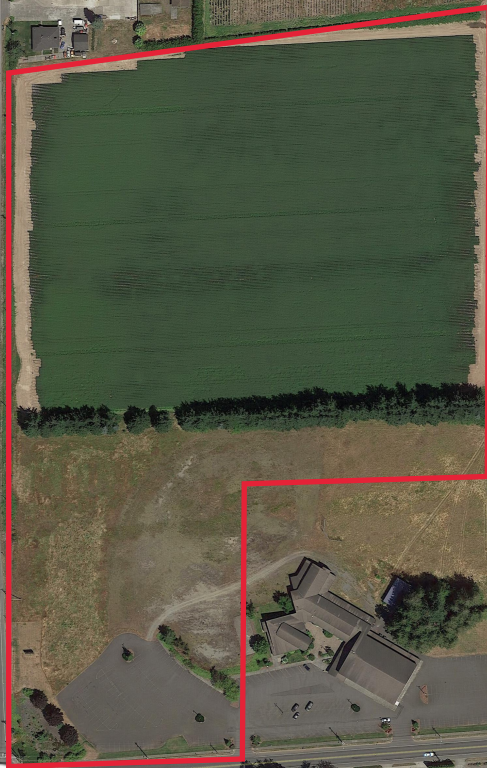
REZONE: 91-1 WEEKS (AND REPLAT)

Keep for office use

133

Way

Evergreen St



19th St

N Pine Ct

Pine Cir

Pine St

Hemlock Ct



1840 Main St, 21 units

Oakwood Ct

Fern Ct

Double Ditch Rd

Main St



1863 & 1851 Main St, 2 Fourplexes

39



1843 Main St, 38 condos



1843 Main St, 4 condos



601 19th St, Duplex

Food Creek Dr

76

Forest Ln



1000 ft

Google Earth

© 2018 Google







H Street Rd

Legend

137

● Lynden

546

E Badger Rd

Berthusen Rd

W Main St

Main St

Depot Rd

Vinup Rd

Grover St

E Grover St

Lynden

Front St

Kok Rd

539

Birch Bay-Lynden Rd

Hannegan Rd

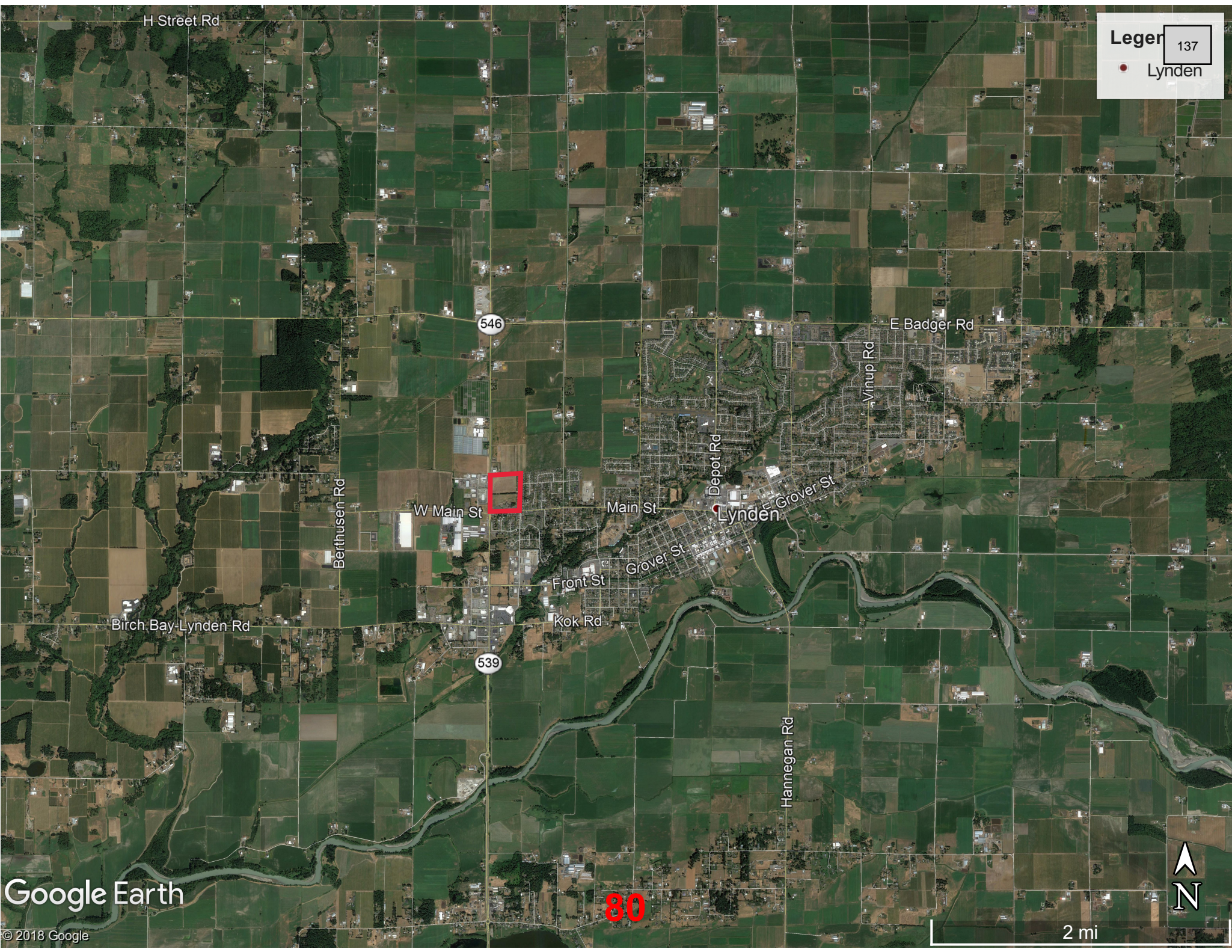
Google Earth

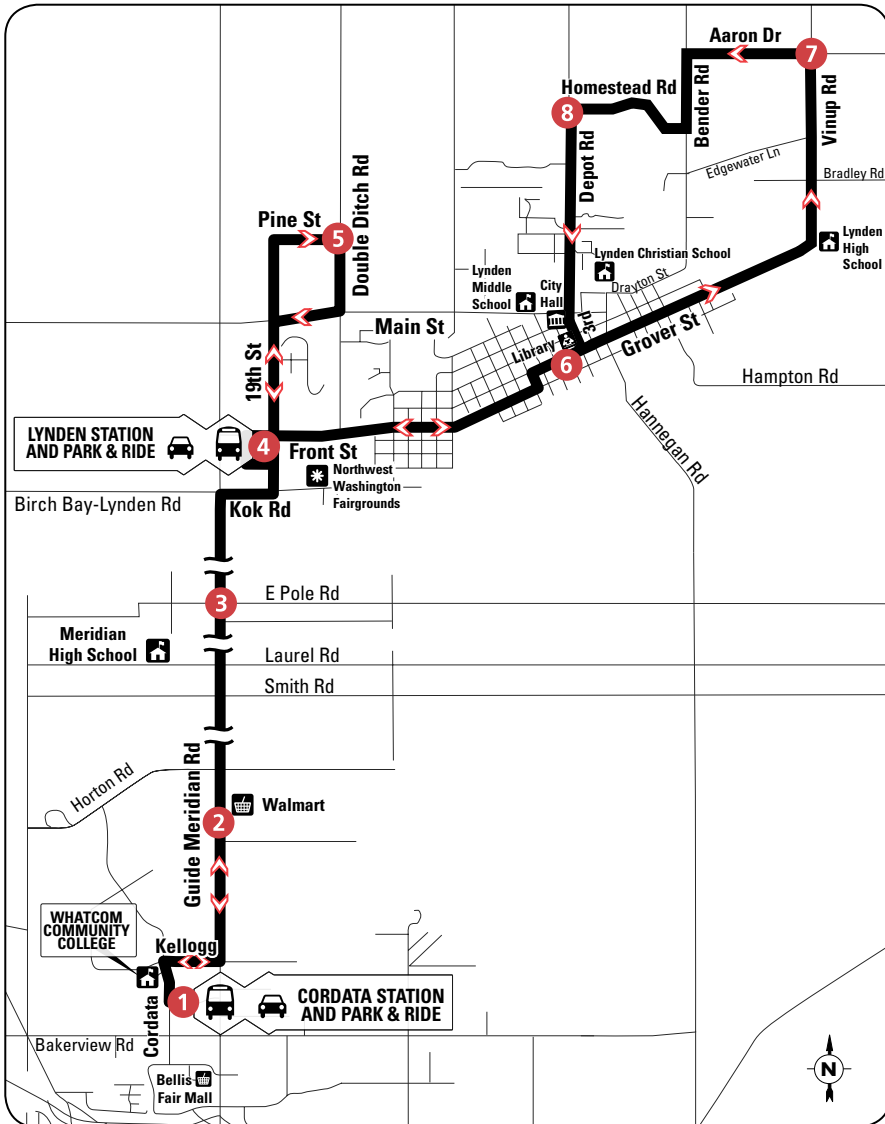
© 2018 Google

80



2 mi



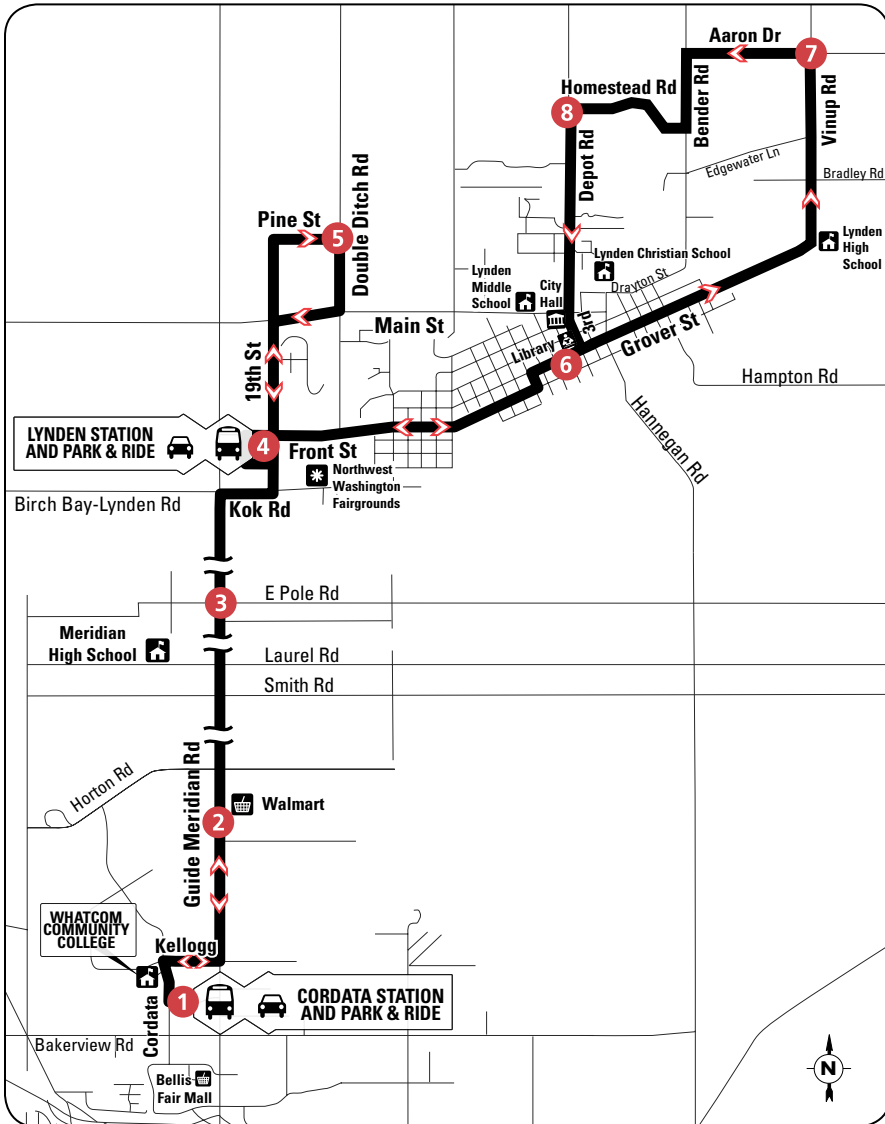


This route uses platform B at Cordata Station.

26 Lynden

26 Cordata/WCC

LEAVE	Cordata Station	Walmart	Meridian & Pole	Lynden Station	Pine & Double Ditch	4th & Grover	Vinup & Aaron	Depot & Homestead	4th & Grover	Pine & Double Ditch	Lynden Station	Meridian & Pole	Walmart	ARRIVE	Bus
	1	2	3	4	5	6	7	8	6	5	4	3	2	1	Continues as Route
—	—	—	—	—	—	6:24	6:30	6:34	6:39	—	6:45	6:53	7:05	7:12	331 Downtown
6:20	6:24	6:34	6:43	6:45	6:54	7:00	7:04	7:09	—	7:15	7:23	7:35	7:42	26 Lynden	
7:50	7:54	8:04	8:13	8:15	8:24	8:30	8:34	8:39	—	8:45	8:53	9:05	9:12	26 Lynden	
9:20	9:24	9:34	9:43	9:45	9:54	10:00	10:04	10:09	—	10:15	10:23	10:35	10:42	26 Lynden	
10:50	10:54	11:04	11:13	11:15	11:24	11:30	11:34	11:39	—	11:45	11:53	12:05	12:12	26 Lynden	
12:20	12:24	12:34	12:43	—	12:47	12:53	12:57	1:02	1:10	1:15	1:23	1:35	1:42	Out of Service	
2:20	2:24	2:34	2:43	—	2:47	2:53	2:57	3:02	3:10	3:15	3:23	3:35	3:42	26 Lynden	
3:50	3:54	4:04	4:13	—	4:17	4:23	4:27	4:32	4:40	4:45	4:53	5:05	5:12	26 Lynden	
5:20	5:24	5:34	5:43	—	5:47	5:53	5:57	6:02	6:10	6:15	6:23	6:35	6:42	26 Lynden	
5:50	5:54	6:04	6:13	—	6:17	6:23	6:27	6:32	6:40	6:45	6:53	7:05	7:12	Out of Service	
6:50	6:54	7:04	7:13	—	7:17	7:23	7:27	7:32	7:40	7:45	7:53	8:05	8:12	26 Lynden	
8:20	8:24	8:34	8:43	—	8:47	8:53	8:57	9:02	—	—	—	—	—	Out of Service	



This route uses platform B at Cordata Station.

SATURDAYS

26 Lynden

26 Cordata/WCC

LEAVE	Cordata Station	Walmart	Meridian & Pole	Lynden Station	Pine & Double Ditch	4th & Grover	Vinup & Aaron	Depot & Homestead	4th & Grover	Pine & Double Ditch	Lynden Station	Meridian & Pole	Walmart	ARRIVE	Cordata Station	Bus Continues as Route
	1	2	3	4	5	6	7	8	6	5	4	3	2	1		
—	—	—	—	—	—	7:54	8:00	8:04	8:09	—	8:15	8:23	8:35	8:42	26 Lynden	
8:50	8:54	9:04	9:13	9:15	9:24	9:30	9:34	9:39	—	9:45	9:53	10:05	10:12	26 Lynden		
10:20	10:24	10:34	10:43	10:45	10:54	11:00	11:04	11:09	—	11:15	11:23	11:35	11:42	26 Lynden		
11:50	11:54	12:04	12:13	12:15	12:24	12:30	12:34	12:39	—	12:45	12:53	1:05	1:12	26 Lynden		
1:20	1:24	1:34	1:43	—	1:47	1:53	1:57	2:02	2:10	2:15	2:23	2:35	2:42	26 Lynden		
2:50	2:54	3:04	3:13	—	3:17	3:23	3:27	3:32	3:40	3:45	3:53	4:05	4:12	26 Lynden		
4:20	4:24	4:34	4:43	—	4:47	4:53	4:57	5:02	5:10	5:15	5:23	5:35	5:42	26 Lynden		
5:50	5:54	6:04	6:13	—	6:17	6:23	6:27	6:32	6:40	6:45	6:53	7:05	7:12	Out of Service		

SUNDAYS

26 Lynden

26 Cordata/WCC

LEAVE	Cordata Station	Walmart	Meridian & Pole	Lynden Station	Pine & Double Ditch	4th & Grover	Vinup & Aaron	Depot & Homestead	4th & Grover	Pine & Double Ditch	Lynden Station	Meridian & Pole	Walmart	ARRIVE	Cordata Station	Bus Continues as Route
	1	2	3	4	5	6	7	8	6	5	4	3	2	1		
8:50	8:54	9:04	9:13	9:15	9:24	9:30	9:34	9:39	—	9:45	9:53	10:05	10:12	26 Lynden		
10:20	10:24	10:34	10:43	10:45	10:54	11:00	11:04	11:09	—	11:15	11:23	11:35	11:42	26 Lynden		
11:50	11:54	12:04	12:13	12:15	12:24	12:30	12:34	12:39	—	12:45	12:53	1:05	1:12	26 Lynden		
1:20	1:24	1:34	1:43	—	1:47	1:53	1:57	2:02	2:10	2:15	2:23	2:35	2:42	26 Lynden		
2:50	2:54	3:04	3:13	—	3:17	3:23	3:27	3:32	3:40	3:45	3:53	4:05	4:12	26 Lynden		
4:20	4:24	4:34	4:43	—	4:47	4:53	4:57	5:02	5:10	5:15	5:23	5:35	5:42	26 Lynden		
5:50	5:54	6:04	6:13	—	6:17	6:23	6:27	6:32	6:40	6:45	6:53	7:05	7:12	Out of Service		

Figure 1.3.2 Recent Housing Growth in the City of Lynden

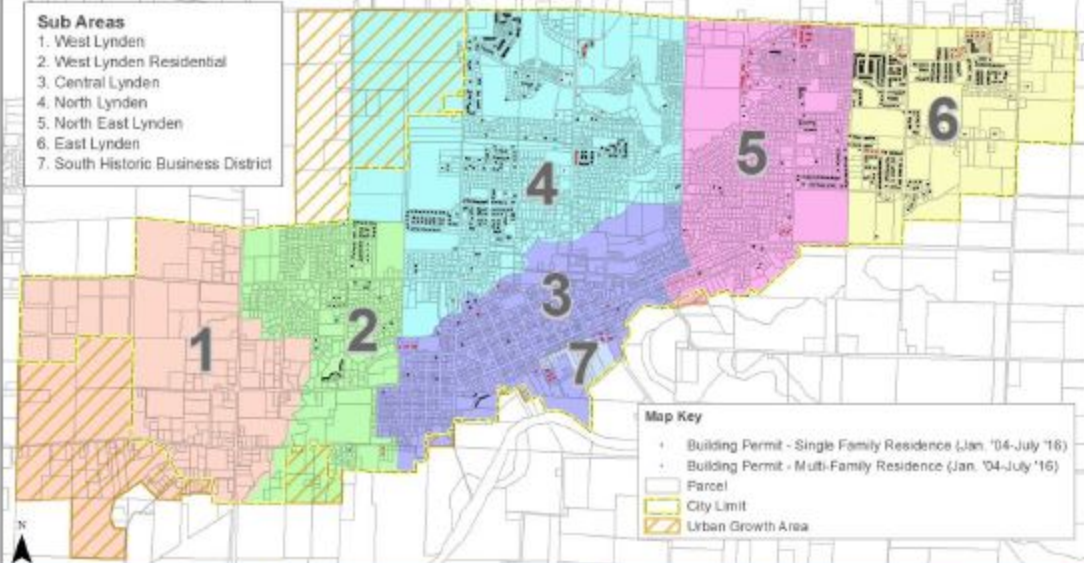
Lynden Housing Growth by Sub-Area

January 2004 - July 2016

140

Sub Areas

1. West Lynden
2. West Lynden Residential
3. Central Lynden
4. North Lynden
5. North East Lynden
6. East Lynden
7. South Historic Business District



Number and Percentage of homes built in each Sub Area since 2004

<u>Subarea</u>	<u>Single Family</u>	<u>%</u>	<u>Multi-family</u>	<u>%</u>
1 (West Lynden)	0	0	0	0
2 (W Lynden Res)	68	8.2	2	1.7
3 (Central Lynden)	21	2.5	20	16.8
4 (North Lynden)	297	35.6	24	20.2
5 (NE Lynden)	82	9.8	37	31.1
6 (East Lynden)	366	43.9	36	30.3
7 (South HBD)	0	83 0	0	0
Total	834		119	

Year to date 11/1/18 and estimated end of year 2018

CITY OF LYNDEN ANNUAL STATISTICS

DESCRIPTION	Measure	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006
POPULATION:		14,160	13,620	13,380	13,090	12,930	12,730	12,340	12,060	11,850	11,690	11,350	11,150	10,750
Single Family Residential (New Construction Permits)	Dwelling Units	75	78	78	59	47	55	73	85	60	38	39	51	83
Multi-Family Including Duplex (New Construction Permits)	Dwelling Units	140	74	42	67	43	62	33	50	8	4	20	14	28
Total New Residential:	Dwelling Units	215	152	120	126	90	117	106	135	68	42	59	65	111
Commercial/Industrial (New Construction Permits)	Building See Note B	10	2	4	4	0	4	3	0	2	1	4	3	3
TOTAL PERMITS issued:	All Types See Note A	380	321	310	311	212	239	229	241	220	129	231	244	310
STREETS: See Note C	Miles	61.8	61.03	60.54	59.99	59.56	58.99	58.89	58.89	58.44	58.33	58.33	56.87	54.83
BRIDGES: Not including pedestrian	Inside City Limits	12	12	12	12	12	12	12	12	12	12	12	12	12
STREET LIGHTING	75 Watt			PSE: 9										
Note:	100 Watt			PSE: 670	PSE: 673	PSE: 676	PSE: 661	PSE: 662	PSE: 663	PSE: 614	PSE: 607	PSE: 630	PSE: 630	PSE: 654
75 Watt - 5th & Front St Project	140 Watt			PSE: 8	PSE: 8									
1097 Total PSE lights - 2017	150 Watt			PSE: 164	PSE: 164	PSE: 168	PSE: 163	PSE: 162	PSE: 157	PSE: 138	PSE: 142	PSE: 100	PSE: 64	PSE: 46
*2018 numbers will be updated when PSE LED Relight project is complete	200 Watt			City: 2	City: 2	City: 2	City: 2	City: 2	City: 2	City: 2	City: 2	City: 2	City: 2	City: 2
	250 Watt			PSE: 162	PSE: 162	PSE: 162	PSE: 161	PSE: 159	PSE: 162	PSE: 148	PSE: 148	PSE: 147	PSE: 147	PSE: 84
	400 Watt			PSE: 65	PSE: 65	PSE: 64	PSE: 64	PSE: 64	PSE: 63	PSE: 53	PSE: 64	PSE: 65	PSE: 55	PSE: 30
				PSE: 19	PSE: 19	PSE: 19	PSE: 20	PSE: 20	PSE: 19	PSE: 20	PSE: 20	PSE: 20	PSE: 20	PSE: 20
WATER CONNECTIONS	System Id #491504	As of 10/30/18	As of 2/2/18											
Residential:		4757	4673	4571	4480	4407	4296	4193	4091	3985	3929	3885	3820	3755
Business/Commercial:		580	569	559	547	527	524	528	526	518	510	503	488	485
Industrial:		12	12	12	11	9	9	9	9	11	11	11	10	10
Total Water Connections:		5349	5254	5142	5038	4943	4829	4730	4626	4514	4450	4399	4318	4250
SEWER CONNECTIONS		As of 11/1/18	As of 2/2/18											
Residential:		4442	4377	4256	4158	4048	3988	3874	3767	3678	3633	3564	3505	3397
Business/Commercial:		465	454	440	431	419	420	420	418	418	415	413	399	396
Industrial:		6	6	6	6	4	4	4	4	3	3	3	3	3
Total Sewer Connections:		4913	4837	4702	4595	4471	4412	4298	4189	4099	4051	3980	3907	3796
SEWER: See Note C Pipe	Miles	59.7	49.66	49.16	48.38	47.91	47.29	47.05	46.9	46.45	46.34	46.34	44.15	43.72
Total Treated	Million Gallons	431	424	440	414	411	399	403	434	421	422	408	410	365
Biosolids Processed - See Note D	Dry Tons	515	603	603	531	517	508	496	569	470	*410	*478	*492	542
WATER: See Note C Pipe	Miles	61.8	60.37	59.9	58.98	58.47	57.72	57.53	57.38	56.93	56.82	56.82	54.45	53.96
Total Treated	Million Gallons	692	671	621	668	620	620	609	564	612	667	632	625	669
Peak Day Usage	MG/Day	4.1	4.10	3.80	4.30	3.83	4.0	3.6	3.4	3.8	4.2	4.0	6.1	4.1
STORM: See Note C Pipe	Miles	31.3	30.11	29.38	28.53	28.18	27.52	27.31	27.31	26.86	26.75	26.75	25.54	25.06

NOTE A: All Type Permits includes New Construction, Fences, Remodels/Additions, Signs, Mech, Plmg, and all other misc. permits

NOTE B: 2018 Comm/Ind permits - Woods Coffee Warehouse/Mercedes Storage Bldgs/Gocery Outlet/Popeye's Restaurant/Lynden Door Bldg 10 & 11/Lynden Door Bldg A/Daritech Assembly Bldg

NOTE C: 2017 Projects - N Prairie Plat Ph 6, Aaron Drive Extension, and Engels N Prairie Short Plat 2, Stomping Grounds Long Plat. 2018: Shea St Homes, Bogaard Meadows Plat, Blankers Estates on Ridge, Bowman-Engels Plat (Address Ln)

NOTE D: Biosolids

**Who Can Afford To Live in a Home?:
A look at data from the 2006 American Community Survey**
by Mary Schwartz and Ellen Wilson
US Census Bureau

With creative financing in the present day housing market, housing values are increasing and homeowners are taking chances with alternative financing methods and consequently putting their homes on the line. As evidenced in the Housing and Vacancy Survey Annual Report for 2007¹, homeownership rates are decreasing for the US as a whole, and most states. Increasingly, householders are not able to afford the homes they are in, and are losing them. Renters also are facing increasing challenges in meeting their monthly housing costs. Utilities, real estate taxes, and insurance rates are increasing – costs that are be passed on to renters in increased rents.

The 2006 American Community Survey (ACS) shows that 46 percent of renters nationwide pay 30 percent or more of their income on housing costs. Thirty-seven percent of owners with mortgages and 16 percent of owners without mortgages spend 30 percent or more of their income on housing costs. Throughout the presentation, we will refer to “30 percent or more of income spent on housing costs” as “housing-cost burden.” In addition, for several figures we will further split the housing-cost burden into moderately housing-cost burden (30.0 to 49.9 percent of income spent on housing costs) and severely housing-cost burden (50% or more of income spent on housing costs).

Why the 30 Percent of Income Standard for Housing Affordability?

Talk of housing affordability is plentiful, but a precise definition of housing affordability is at best ambiguous. The conventional public policy indicator of housing affordability in the United States is the percent of income spent on housing. Housing expenditures that exceed 30 percent of household income have historically been viewed as an indicator of a housing affordability problem.² The conventional 30 percent of household income that a household can devote to housing costs before the household is said to be “burdened” evolved from the United States National Housing Act of 1937. The National Housing Act of 1937 created the public housing program, a program that was designed to serve those “families in the lowest income group.” Income limits rather than maximum rents were established for family eligibility to live in public housing; that is, a tenant’s income could not exceed five to six times the rent. By 1940, income limits gave way to the maximum rent standard in which rent could not exceed 20 percent of income – in practice, the same as the predecessor income limit standard. The Housing Act of 1959 maintained maximum rents, but it also gave local public housing authorities more autonomy in establishing them. By 1969, the escalation of rents by public housing authorities struggling to meet spiraling operation and maintenance costs nearly nullified the purpose of the public housing program established in 1937 to serve the nation’s neediest. To reverse this, the Brooke Amendment (1969) to the 1968 Housing and Urban Development Act, established the rent threshold of 25 percent of family income; that is, a

¹ Callis, Robert and Cavanaugh, Linda, *Housing and Vacancy Survey Annual Statistics:2007*. Available [Online]: <http://www.census.gov/hhes/www/housing/hvs/annual07/ann07ind.html> [February 2008].

² “Housing Affordability: Myth or Reality?” *Wharton Real Estate Center Working Paper, Wharton Real Estate Center, University of Pennsylvania, 1992*

family would be required to pay one-quarter of its income in rent. By 1981, this threshold had been raised to 30 percent, which today remains the rent standard for most rental housing programs.

Because the 30 percent rule was deemed a rule of thumb for the amount of income that a family could spend and still have enough left over for other nondiscretionary spending, it made its way to owner-occupied housing too. Prior to the mid 1990s the federal housing enterprises (Fannie Mae and Freddie Mac) would not purchase mortgages unless the principal, interest, tax, and insurance payment (PITI) did not exceed 28 percent of the borrower's income for a conventional loan and 29 percent for an FHA insured loan. Because lenders were unwilling to hold mortgages in their portfolios, this simple lender ratio of PITI to income was one of many "hurdles" a prospective borrower needed to overcome to qualify for a mortgage. There are other qualifying ratios as well; most of which hover around 30 percent of income. The amount of debt outstanding and the size and frequency of payments on consumer installment loans and credit cards influence the lender's subjective estimation of prospective homebuyers' ability to meet the ongoing expenses of homeownership. Through the mid 1990s, under Fannie Mae guidelines for a conventional loan, total allowable consumer debt could not exceed eight percent of borrower's income for conventional mortgage loans and 12 percent for FHA-insured mortgages. So through the mid 1990s, underwriting standards reflected the lender's perception of loan risk. That is, a household could afford to spend nearly 30 percent of income for servicing housing debt and another 12 percent to service consumer debt. Above these thresholds, a household could not afford the home and the lender could not afford the risk. While there are many underwriting standards, none of them made their ways into the public policy lexicon like the 30 percent of income indicator of housing affordability.

The mid to late 1990s ushered in many less stringent guidelines.³ Many households whose housing costs exceed 30 percent of their incomes are choosing then to devote larger shares of their incomes to larger, more amenity-laden homes. These households often still have enough income left over to meet their non-housing expenses. For them, the 30 percent ratio is not an indicator of a true housing affordability problem but rather a lifestyle choice. But for those households at the bottom rungs of the income ladder, the use of housing costs in excess of 30 percent of their limited incomes as an indicator of a housing affordability problem is as relevant today as it was four decades ago.

Objective

This poster examines the ability of different demographic groups to comfortably afford to pay for their renter or owner related costs. It also looks at the disparities in different areas of the country.

³ "Review of Selected Underwriting Guidelines to Identify Potential Barriers to Hispanic Homeownership", U.S. Department of Housing and Urban Development, Office of Policy Development and Research, March 2006

Data

This poster uses data from the 2006 American Community Survey (ACS). The American Community Survey is a nationwide survey designed to provide communities a fresh look at how they are changing. It will replace the decennial long form in future censuses and is a critical element in the Census Bureau's reengineered 2010 census.

The ACS is a vehicle for providing the data communities need every year instead of once in ten years. Now that the survey is in full implementation, data are collected from housing units and group quarters in every county of the United States. The survey includes approximately three million households every year. Data are collected by mail and Census Bureau staff follow up with those who do not respond.

As with the decennial census long form questionnaire, the ACS will provide estimates of demographic, housing, social, and economic characteristics every year for all states, as well as for all cities, counties, metropolitan areas, and population groups of 65,000 people or more.

For smaller areas, it will take three to five years to accumulate sufficient sample to produce data into averages for areas as small as census tracts. These averages can be updated every year. Eventually, we will be able to measure changes over time for small areas and population groups.

Monthly owner costs come from questions on the following:

- Mortgage
- Second mortgage and/or home equity loans
- Real estate taxes
- Homeowners insurance
- Condo fee (if applicable)
- Mobile home cost (if applicable)
- Utilities – Electricity, Gas, Water and Sewer, and Other Utilities

Monthly gross rent costs come from the following questions:

- Contract rent
- Utilities – Electricity, Gas, Water and Sewer, and Other Utilities

These two items are divided by monthly household income to calculate monthly owner costs as a percentage of income, and gross rent as a percentage of income.

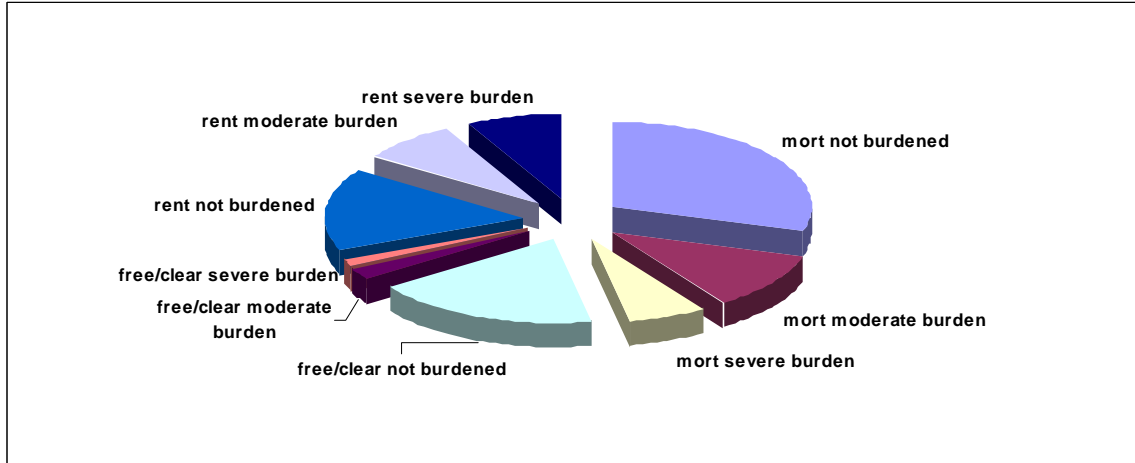
Methods

The ACS questionnaire captures the housing related expenses specified above as reported by the respondent. This reflects the expenses for the household.

We will look at the monthly housing costs as a percentage of income as a proxy of “affordability” of suitable housing. A household that pays 30 percent or more of their income on housing costs are considered to be burdened. We will determine the affordability for renters and owners with a mortgage. There will also be some tables for owners without a mortgage.

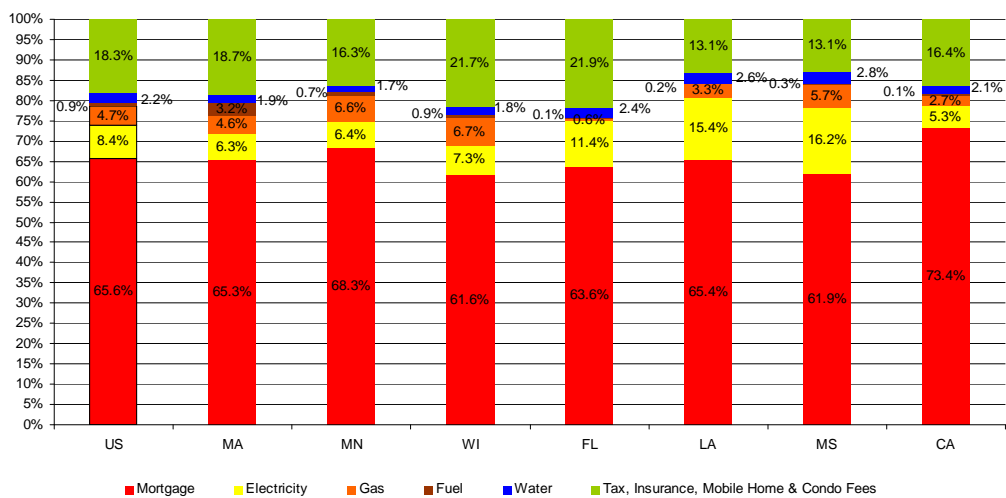
We will examine this characteristic for householders by age, race, Hispanic origin, and income. We will also display data on housing burden for different geographic areas.

Figure 1 - Percent of Occupied Housing Units by Housing-Cost Burden: 2006.



This graph shows the percent of housing units in the United States that are owned with a mortgage, owned free and clear and rented. It further breaks down each tenure category by those without burden (under 30% of income spent on housing costs), with moderate burden (30% to 49.9%), and severe burden (over 50%). Mortgaged households comprise the highest percent of occupied housing units. Mortgaged owners have the highest overall share of housing-cost burden. Renters have the highest share of severe burden.

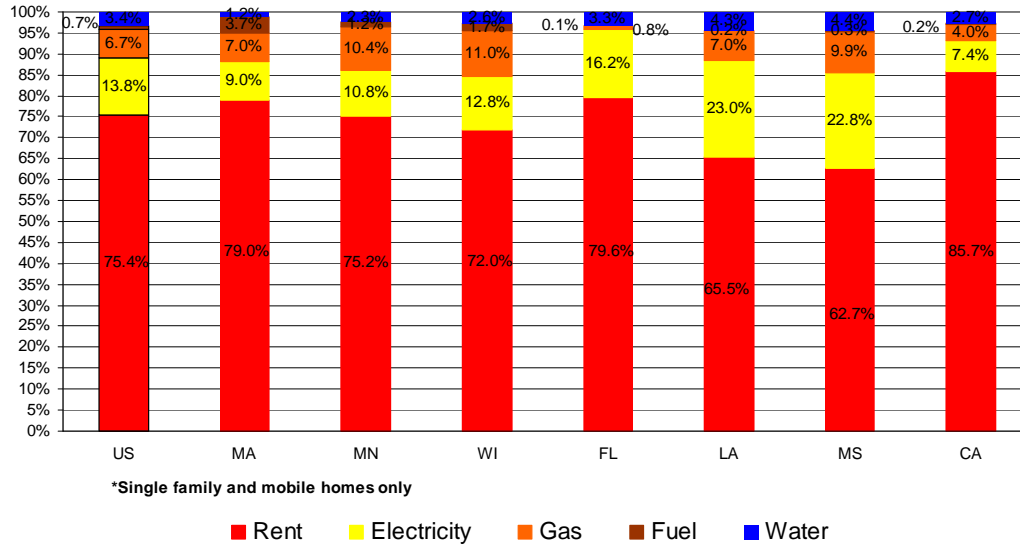
Figure 2 – Share of Mortgaged Owner Costs Attributable to Components of SMOC for the U.S. and Selected States: 2006



The relative contributions of the “components” of housing costs vary by state. For those units owned with a mortgage, the SMOC, or selected monthly owner costs, are comprised

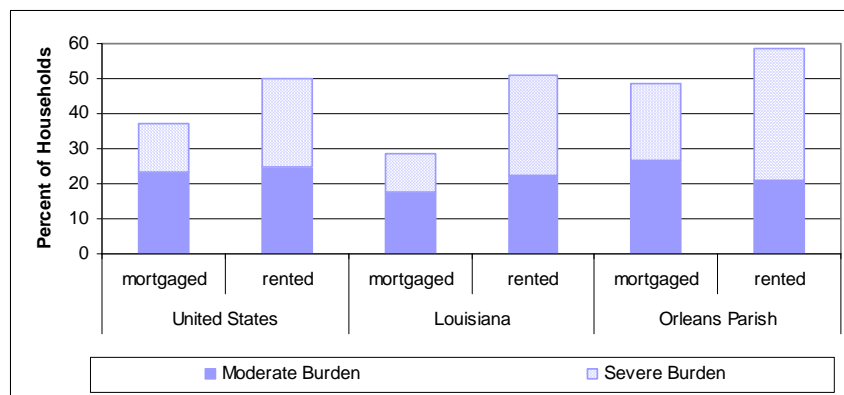
of mortgage, second mortgage, home equity loan or line of credit, utilities (electricity, gas, other fuels, water), real estate taxes, property insurance, and any mobile home costs or condominium fees that may be applicable.

Figure 3 - Share of Renter Costs for Single-family Homes Attributable to Components of GRNT for the U.S. and Selected States: 2006



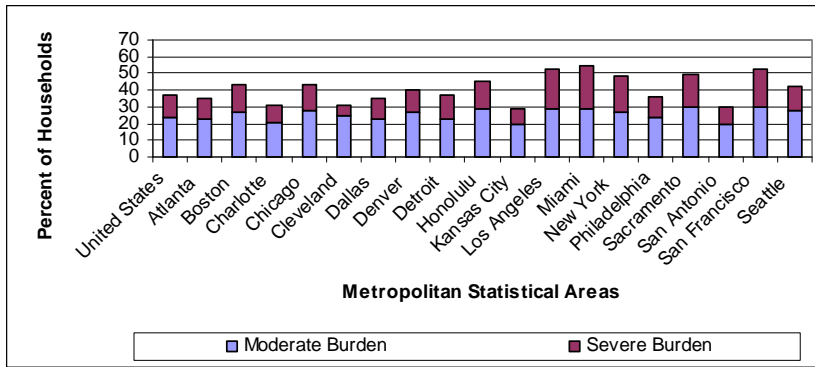
For those units that are rented, the GRNT, or gross rent, is comprised of rent and utilities (electricity, gas, other fuels, water and sewer).

Figure 4 – Housing-Cost Burden and Severe Burden for the US, Louisiana, and Orleans Parish : 2006.



This graph shows those households considered housing-cost burdened for the three areas mentioned, split out by moderately and severely housing-cost burden. Renters in Orleans Parish pay a higher percent of household income than owners or renters in the United States or in the state of Louisiana. Orleans Parish also has a higher percentage of renters paying more than 50% of their household income on housing than those owners with severe burden in the U.S., Louisiana, or Orleans Parish.

Figure 5 – Housing-Cost Burden for Owners with Mortgaged Housing Units in Selected Metropolitan Areas: 2006



Figures 5 and 6 show variation in burden, moderate burden and severe burden for mortgaged and rented housing units in several metropolitan statistical areas (MSAs) and the US.

Figure 6 – Housing-Cost Burden for Renters in Selected Metropolitan Areas: 2006

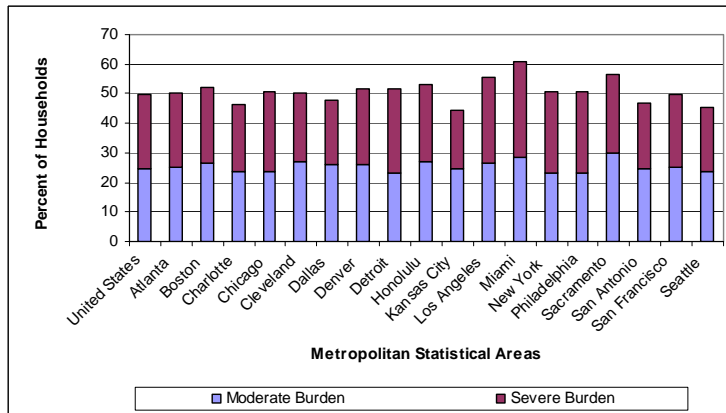
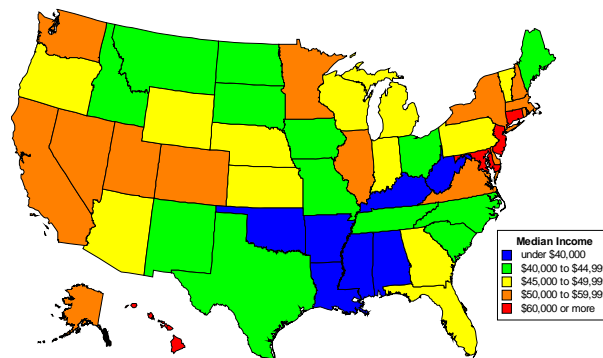
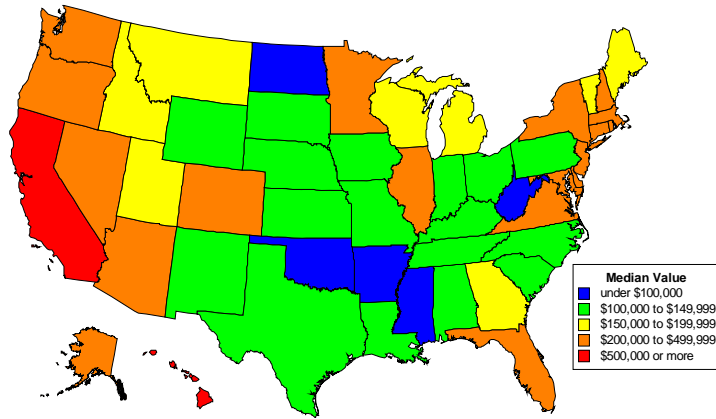


Figure 7 - Median Household Income by State: 2006



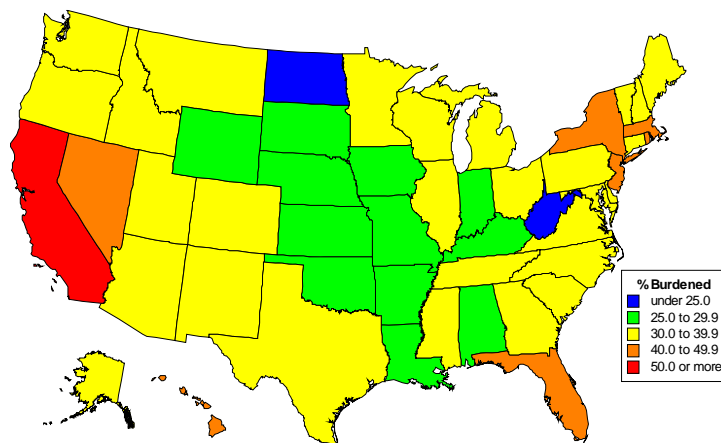
Maryland, New Jersey, and Connecticut have higher median incomes than any other state. Mississippi and West Virginia have the lowest median household income.

Figure 8 - Median Property Value by State: 2006



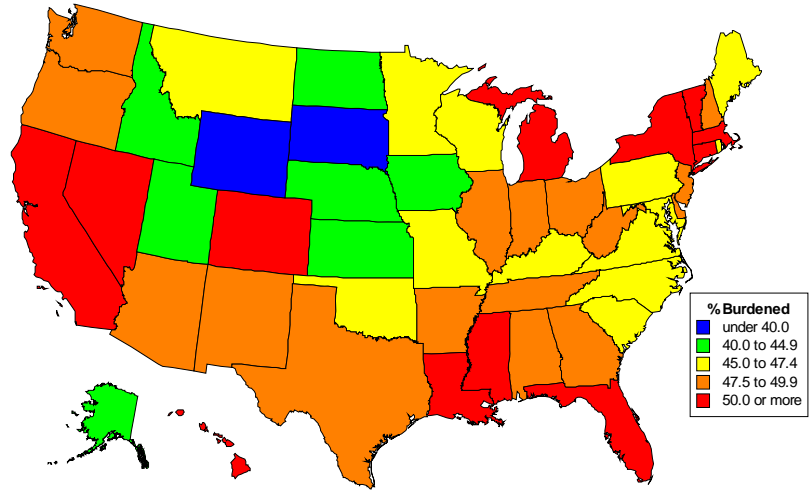
California and Hawaii have higher median values than all other states. Mississippi and West Virginia have the lowest property values.

Figure 9 - Housing-Cost Burden for Owners with a Mortgage by State: 2006



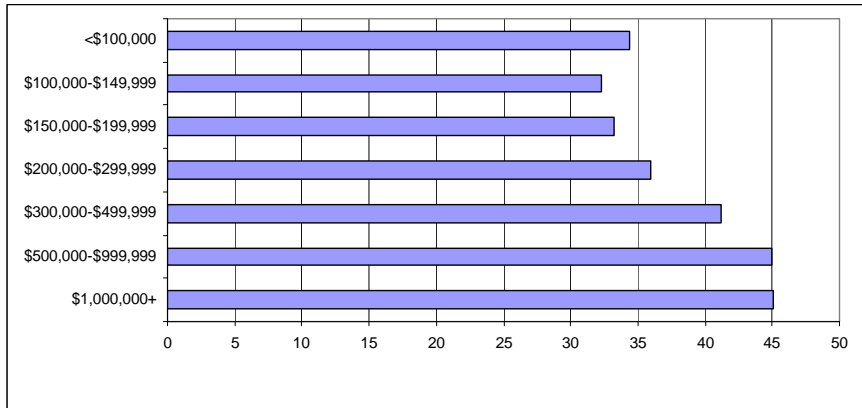
California has the highest percent of mortgaged homeowners with housing burden of any state in the United States. Hawaii, Nevada, Florida, New Jersey, Rhode Island, and Massachusetts had the highest burden after California, although burden for those states is similar.

Figure 10 – Housing-Cost Burden for Renters by State: 2006



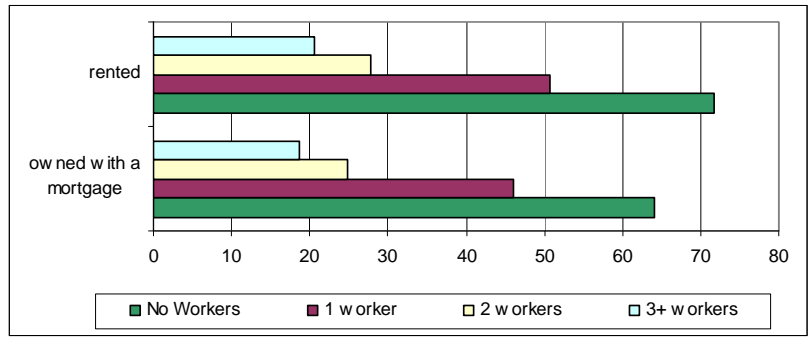
FL and CA have the highest percent of renters with housing burden of any state in the United States.

Figure 11 – Housing-Cost Burden for Mortgaged Properties by Property Value: 2006



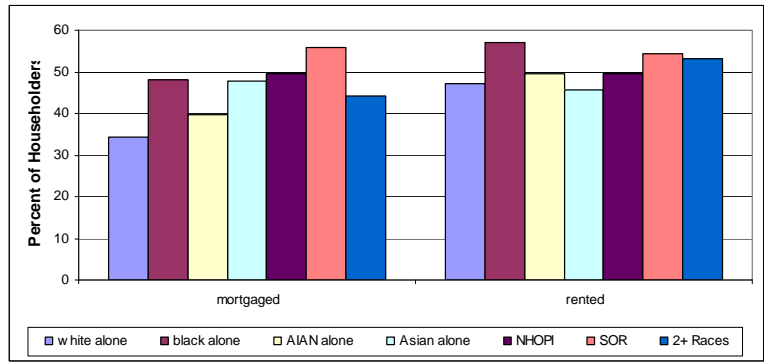
Share of housing-cost for properties valued over \$100,000 increases as property value increases until it reaches \$500,000 or more, where it levels off.

Figure 12 – Housing-Cost Burden by Number of Workers in the Household: 2006

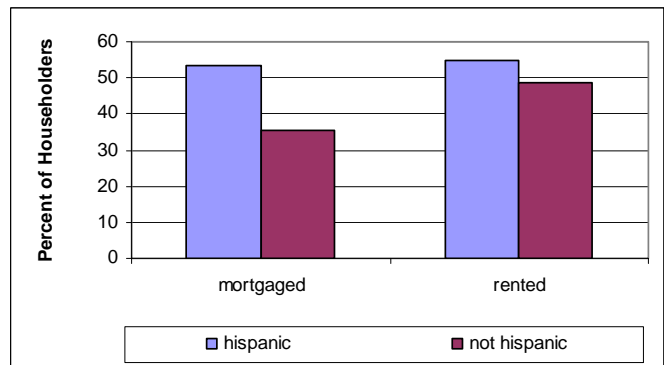


Households with no workers have the highest share of housing burden for both mortgaged and renter units. Households with three or more workers experience the lowest share of housing burden for mortgaged and renter units.

Figure 13 – Housing-Cost Burden by Tenure and Race and Hispanic Origin of Householder: 2006

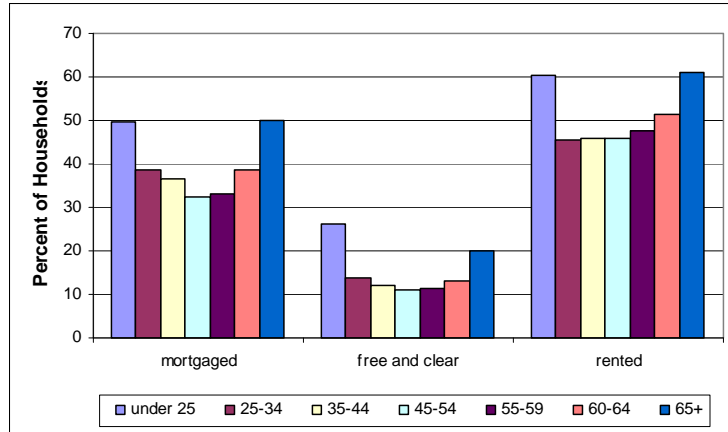


For mortgaged properties, householders with some other race had the highest share of housing burden. White householders had the lowest share of housing-cost burden.



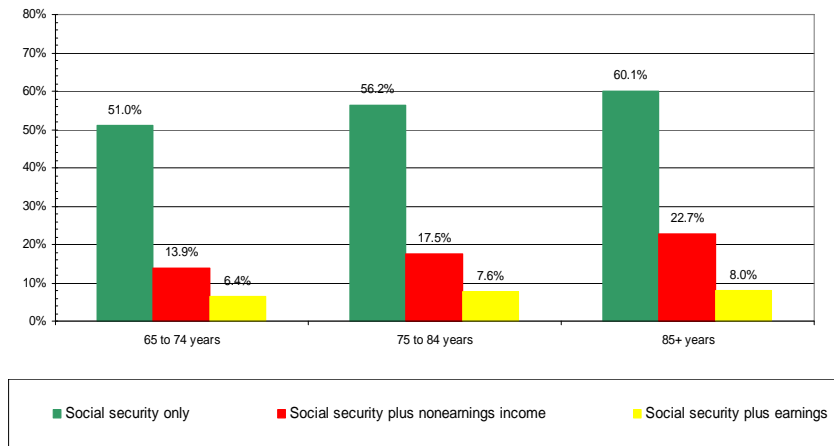
Hispanic householders have higher share of housing-cost burden than non-hispanic householders for owners with mortgages and renters.

Figure 14 – Housing-Cost Burden by Age of Householder: 2006



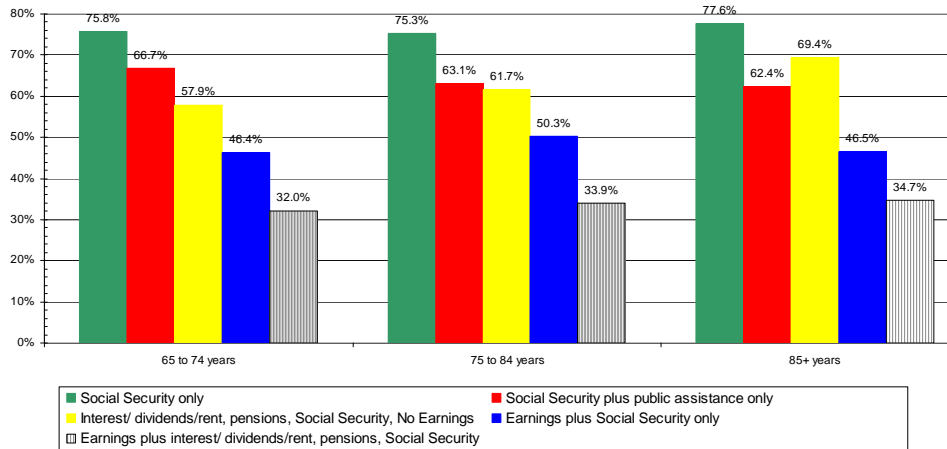
Younger (under 25) and older (65 or older) householders experience similar rates of housing burden to each other, but higher than other age groups for mortgaged, free and clear, and rented housing units.

Figure 15 - Share of Older Homeowners without Mortgages with Housing-Cost Burden by Age and Income Source: 2006



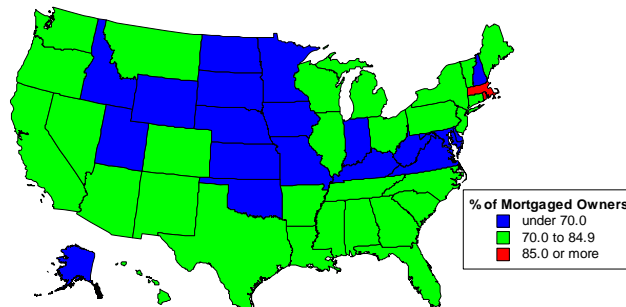
Housing policy often focuses on elderly households. Many of the HUD programs are targeted to the elderly. Many financial market innovations, including reverse annuity mortgages, and local property tax relief programs are geared toward the older homeowners. Data from the 2006 ACS offer ample support for targeting the elderly, showing that many older homeowners and renters carry heavy housing-cost burdens (see also figure 16). This chart shows that large shares of older homeowners without mortgages living on social security only are housing-cost burdened. Shares of older homeowners without mortgages who are housing-cost burdened are lower for those with social security and other income.

Figure 16 - Share of Older Renters with Housing-Cost Burden by Age and Income
Source: 2006



This chart shows that about three quarters of renters aged 65 and older with social security only spent 30 percent or more of their incomes on rent and utilities. The shares of renters who are housing cost-burdened are generally lower for those with social security and other income.

Figure 17 – Severely Housing-Cost Burdened Mortgaged Homeowners in Bottom Income Quartile: 2006



Homeowners on the lowest rungs of the income ladder suffer the most from high housing costs. Unlike higher income households, these households are often unable to enjoy quality of life after paying their housing expenses. In addition to their other burdens, households at the bottom rungs of income ladder are more likely to be severely housing cost-burdened. In the late 1980s, Michael Stone called these households that cannot meet their needs for food, clothing, medical care and transportation at some minimum level of adequacy after paying for housing “shelter poor.”⁴ The American Community Survey does not collect data on consumer expenditures and thus cannot measure the true plight of low income households. Figures 17 and 18 then only tell part of the story for low income households. They show those households in the bottom income quartile (household income) paying 50% or more of their income on housing costs. The lowest income quartile for the nation is \$25,244 or less.

⁴ Stone, Michael E, “Shelter Poverty: New Ideas on Housing Affordability”, Temple University Press, 1993

Data from the 2006 American Community Survey is available by accessing <http://www.census.gov/acs/www/>

The 2006 Public Use Microdata Sample File (PUMS) can be accessed at <http://www.census.gov/acs/www/Products/PUMS/>

The 2006 Source and Accuracy Statement can be accessed at : <http://www.census.gov/acs/www/UseData/Accuracy/Accuracy1.htm>

Stay Tuned – Data from the 2007 ACS will be available in September 2008 and will be accessible at the websites given above.

Note: This report is released to inform interested parties of ongoing research and to encourage discussion of work in progress. Any views expressed on methodological issues are those of the authors and not necessarily those of the U.S. Census Bureau.

TOWNSHIP:

40

RANGE:

03

SECTION:

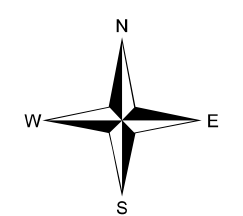
19

MAP NO.:

01

SCALE:

1" = 400'



DATE:

Sep. 05, 2019

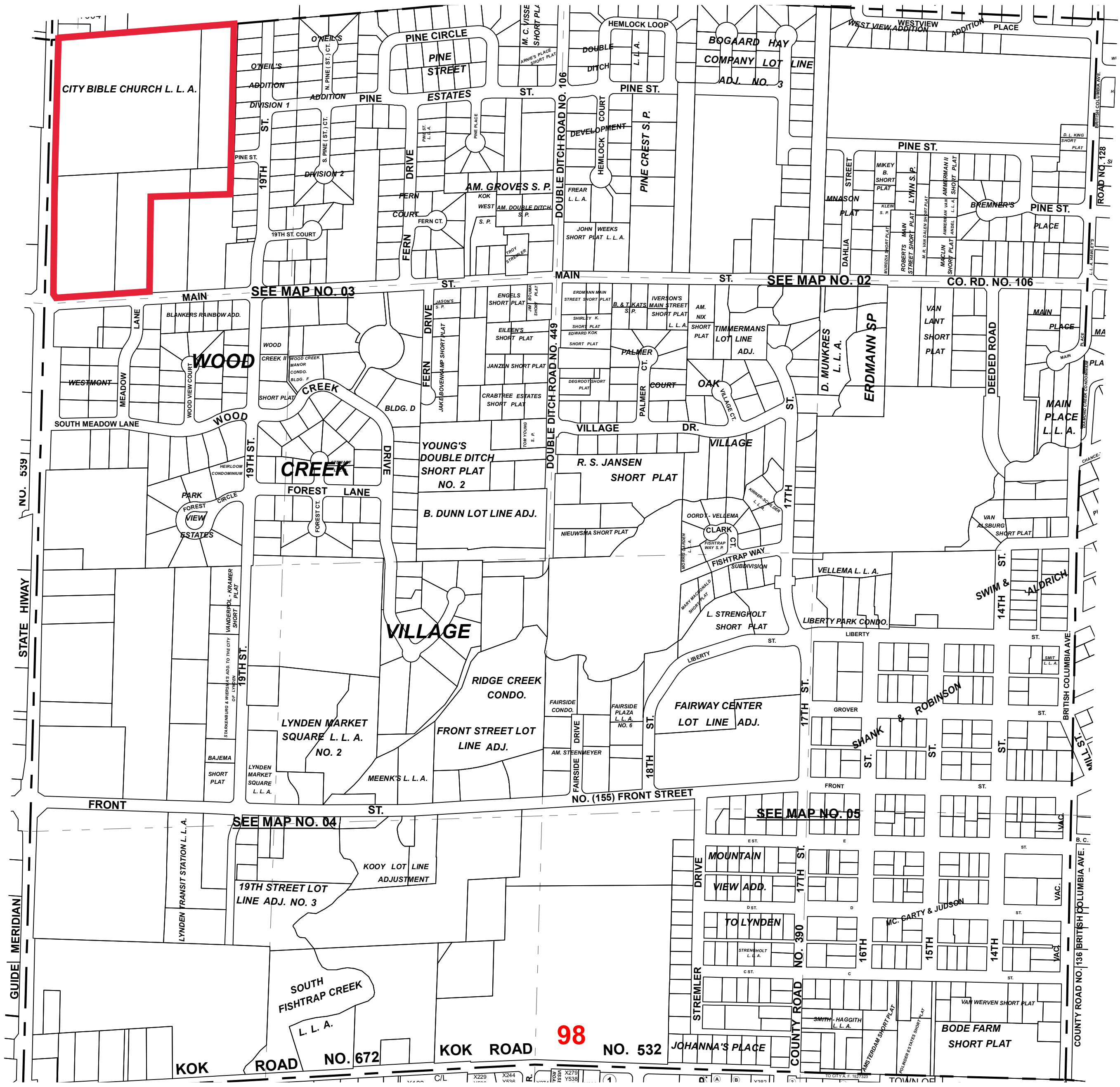
KEY MAP:

13	18	17
24	19	20
25	30	29

ASSESSOR'S OFFICE



THIS MAP IS FOR ASSISTANCE IN PROPERTY LOCATION AND NOT GUARANTEED FOR ACCURATE MEASUREMENTS



98

KOK ROAD NO. 672

NO. 532

JOHANNA'S PLACE

BODE FARM SHORT PLAT

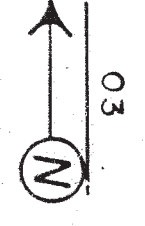


THIS MAP IS FOR ASSISTANCE IN PROPERTY LOCATION AND NOT GUARANTEED FOR ACCURATE MEASUREMENTS

REVISED
24 OCT 2018
Assessor's Office
Whitcomb Co.

DATE
4/11/56

SCALE
1"=200'



MAP NO.
03

SECTION
19

RANGE
3E

TOWNSHIP
40

2019-0803655

CITY BIBLE CHURCH SHORT PLAT

A PORTION OF GOV'T LOT 1, (NW4, NW4), SECTION 19,
TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.,
WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON

LAND DESCRIPTION:

LOT A, AS DELINEATED ON CITY BIBLE CHURCH LOT LINE ADJUSTMENT, ACCORDING TO THE PLAT THEREOF, RECORDED FEBRUARY 8, 2016, UNDER AUDITOR'S FILE No. 2016-0200775, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO AND/OR TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD, OR OTHERWISE.

DECLARATION & DEDICATION:

I, THE UNDERSIGNED, DO HEREBY DECLARE THIS PLAT AND DEDICATE TO THE PUBLIC FOREVER THE 10' ALONG MAIN ST. AND GUIDE MERIDIAN AS SHOWN ON SHEET 2 AND ALL ROADS AND WAYS SHOWN HEREON, WITH THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS, AND THE RIGHT TO CONTINUE TO DRAIN SAID ROADS AND WAYS OVER AND ACROSS ANY LOT OR LOTS WHERE WATER MIGHT TAKE A NATURAL COURSE IN THE ORIGINAL REASONABLE GRADING OF ROADS AND WAYS SHOWN HEREON. FOLLOWING ORIGINAL REASONABLE GRADING OF ROADS AND WAYS HEREON, NO DRAINAGE WATERS ON ANY LOTS SHALL BE DIVERTED OR BLOCKED FROM THEIR EXISTING COURSE SO AS TO DISCHARGE UPON ANY PUBLIC ROAD RIGHT-OF-WAY, OR TO HAMPER PROPER ROAD DRAINAGE, ANY ENCLOSING OF DRAINAGE WATERS IN CULVERTS OR DRAINS OR REROUTING THEREOF ACROSS ANY LOT AS MAY BE UNDERTAKEN BY OR FOR THE OWNER OF ANY LOT, SHALL BE DONE BY AND AT THE EXPENSE OF SUCH OWNER AND DO HEREBY GRANT AND RESERVE ANY EASEMENTS SHOWN HEREON FOR THE USES INDICATED HEREON.

THIS 26th DAY OF August, 2019.

Robert Jameson
ROBERT JAMESON, TREASURER
MANNAHOUSE CHURCH, AN OREGON NON-PROFIT RELIGIOUS CORPORATION

ACKNOWLEDGMENT

STATE OF WASHINGTON)
COUNTY OF WHATCOM)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT ROBERT JAMESON IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE IS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED AS THE TREASURER OF MANNAHOUSE CHURCH, AN OREGON NON-PROFIT RELIGIOUS CORPORATION, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTIES FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

THIS 26th DAY OF AUGUST, 2019.

Jerome M. DeMeyer
NOTARY PUBLIC IN AND FOR THE STATE OF
RESIDING AT FERNDALE, WASHINGTON
MY COMMISSION EXPIRES 11-14-2020



CITY OF LYNDEN APPROVAL:

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS SHORT PLAT FOR CONFORMANCE WITH APPLICABLE STATE STATUES AND CITY SUBDIVISION AND ZONING ORDINANCES AND HEREBY APPROVE THE SAME.

THIS 27th DAY OF August, 2019.

Heidi Gudd
HEIDI GUDDE, PLANNING DIRECTOR

AUDITOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SHORT PLAT WAS FILED FOR RECORD IN THE OFFICE OF WHATCOM COUNTY, WASHINGTON THIS 28th DAY OF August, 2019 AT 3:31 P.M. AT THE REQUEST OF NORTHWEST SURVEYING & GPS, INC. AND IS RECORDED UNDER AUDITOR'S FILE NUMBER 2019-0803655

Debbie Adelman BY Kymberly R.
AUDITOR OF WHATCOM COUNTY DEPUTY AUDITOR

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SHORT PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON AN ACTUAL SURVEY MADE IN COMPLIANCE WITH STATE LAWS.

Jerome M. DeMeyer DATE 08-26-19
JEROMY M. DEMEYER, P.L.S. CERTIFICATE No. 50982
NORTHWEST SURVEYING & GPS INC, 407 5TH STREET, LYNDEN, WA 98264

PUBLIC WORKS DEPARTMENT APPROVAL:

EXAMINED AND APPROVED BY THE LYNDEN PUBLIC WORKS DEPARTMENT AS TO THE LAYOUT OF ROADS AND RIGHT-OF-WAY AND ACCEPTANCE OF THE DEDICATION AND/OR EASEMENTS ON BEHALF OF THE CITY OF LYNDEN IN ACCORDANCE WITH THE THE CITY OF LYNDEN DEVELOPMENT STANDARDS.

THIS 27th DAY OF AUGUST, 2019.

Steve Banham
STEVE BANHAM, P.E., PUBLIC WORKS DIRECTOR

FINANCE DIRECTOR APPROVAL:

I, Linda D. Schreiffels, FINANCE DIRECTOR OF THE CITY OF LYNDEN, WASHINGTON, DO HEREBY CERTIFY THAT I AM THE OFFICER IN CHARGE OF COLLECTIONS OF SPECIAL ASSESSMENTS LEVIED BY THE CITY OF LYNDEN ON ALL LAND EMBRACED IN THIS PLAT AND THAT ALL CITY ASSESSMENTS FOR WHICH THE PROPERTY EMBRACED IN THIS PLAT MAY BE LIABLE AT THIS DATE AND THAT ALL SPECIAL CITY OF LYNDEN ASSESSMENTS ASSESSED AGAINST THE PROPERTY IN THIS PLAT WHICH UNDER SAID PLAT BECOMES STREETS, ALLEY AND OTHER PUBLIC PLACES, HAVE BEEN PAID.

Linda D. Schreiffels DATE 08/28/2019
CITY OF LYNDEN FINANCE DIRECTOR

RIGHT TO FARM COVENANT:

THE SUBJECT PROPERTY IS WITHIN OR NEAR DESIGNATED AGRICULTURE LAND OR FARM OPERATIONS UPON WHICH A VARIETY OF COMMERCIAL ACTIVITIES MAY OCCUR THAT ARE NOT COMPATIBLE WITH RESIDENTIAL DEVELOPMENT FOR CERTAIN PERIODS OF LIMITED DURATION. YOU MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM SUCH OPERATIONS, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FLIES, FUMES, DUST, SMOKE, THE OPERATION OF MACHINERY OF ANY KIND DURING ANY 24 HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. WHATCOM COUNTY HAS DETERMINED THAT THE USE OF REAL PROPERTY FOR AGRICULTURAL OPERATIONS IS A HIGH PRIORITY AND FAVORED USE AND WILL NOT CONSIDER TO BE A NUISANCE THOSE INCONVENIENCES OR DISCOMFORTS ARISING FROM FARM OPERATIONS, IF SUCH OPERATIONS ARE CONSISTENT WITH THE COMMONLY ACCEPTED GOOD MANAGEMENT PRACTICES AND OTHERWISE COMPLY WITH LOCAL, STATE, AND FEDERAL LAWS.

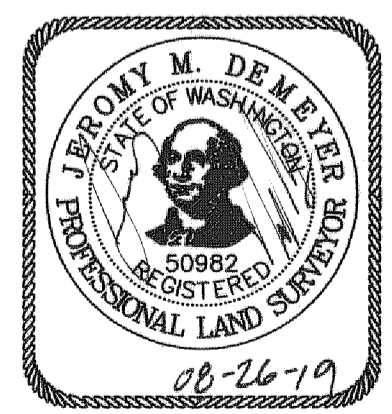
CRITICAL AREAS ORDINANCE (CAO) NOTES:

1. NO CRITICAL AREAS STUDY UNDER CHAPTER 16.16 OF THE LYNDEN MUNICIPAL CODE WAS PERFORMED FOR THIS SHORT PLAT. A 100' BUFFER IS NOTED FROM THE EAST EDGE OF THE DITCH ALONG GUIDE MERIDIAN.

OCCUPATIONAL INDICATORS AND EXISTING FENCE LINE NOTE:

THIS SURVEY HAS DEPICTED EXISTING FENCE LINES AND/OR IMPROVEMENTS IN ACCORDANCE WITH W.A.C. CH. 332.130. THESE OCCUPATIONAL INDICATORS MAY INDICATE A POTENTIAL FOR CLAIMS OF UNWRITTEN TITLE OWNERSHIP. THE LEGAL RESOLUTION OF OWNERSHIP BASED UPON UNWRITTEN TITLE CLAIMS HAS NOT BEEN RESOLVED BY THIS SURVEY.

SURVEYOR'S NOTES: SEE SHEET 2

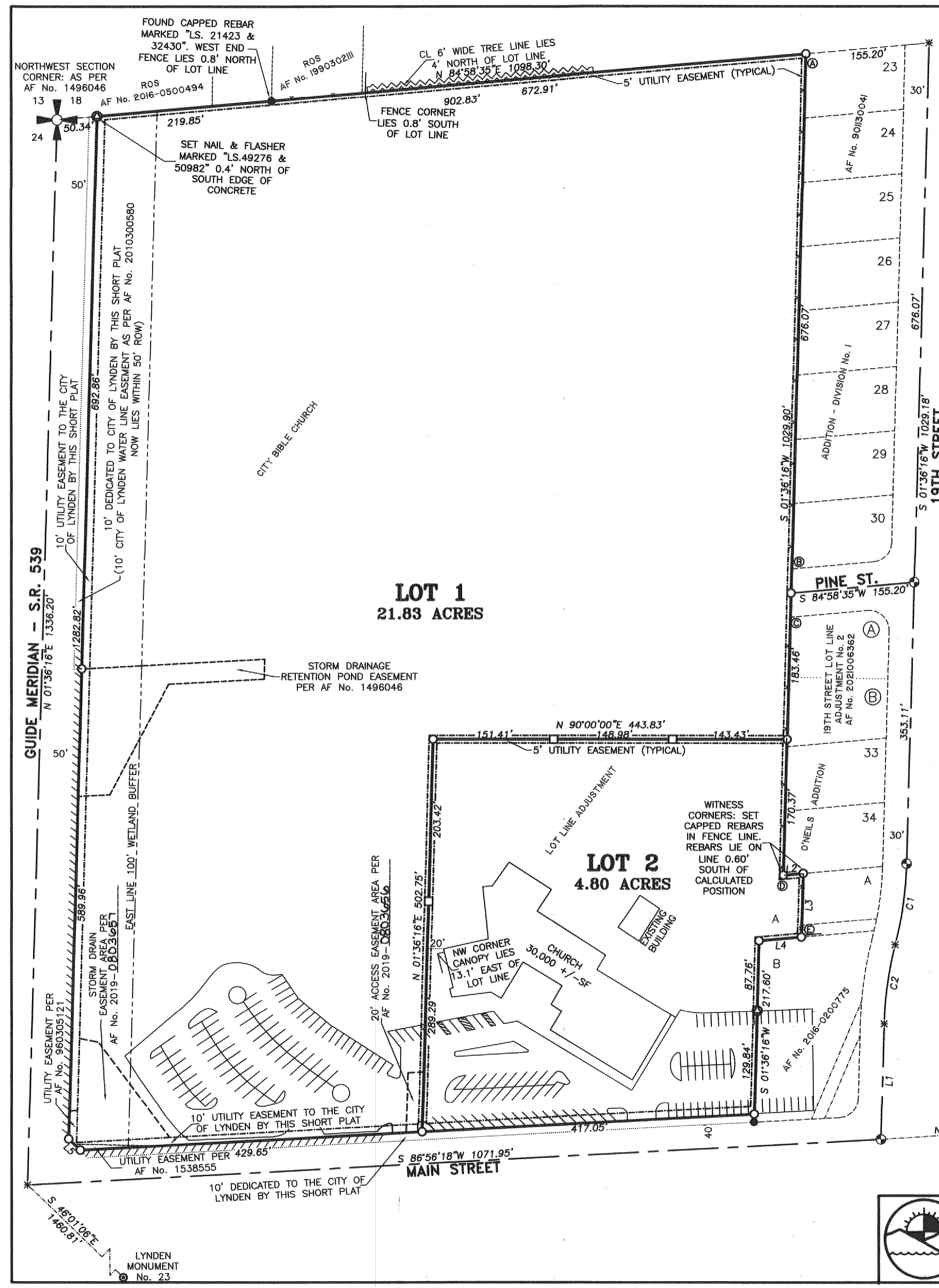


 NORTHWEST SURVEYING & GPS, INC. Jeromy M. DeMeyer, L.S. No.50982 Brett W. De Vries, L.S. No.49276 407 5TH STREET, LYNDEN WASHINGTON, 98264 PH.(360) 354-1950 NWSURVEY.COM	DRAWN BY: BRETT	DATE: 08/23/19	JOB NO.: 19-74
	REVIEWED BY: JEROMY	DIR: \CITY BIBLE CRD: 194003.CRD	SHEET: 1 OF 2

2019-0803655

CITY BIBLE CHURCH SHORT PLAT

A PORTION OF GOV'T LOT 1, (NW4, NW4), SECTION 19, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON



SURVEYOR'S NOTES:

- "O" DENOTES 5/8 INCH REBAR WITH 1 INCH PLASTIC CAP MARKED "NWS & GPS 49276 & 50982" SET FOR LOT CORNERS IN JULY OF 2019.
- "●" DENOTES CAPPED REBAR MARKED "LS.32430" FOUND BY THIS SURVEY.
- "⊙" DENOTES BRASS DISC, FOUND BY THIS SURVEY.
- "□" DENOTES HUB AND LATH SET FOR POINTS ON LINE.
- "⊙" DENOTES NAIL & FLASHER MARKED "LS.49276 & 50982" FOR POINT ON LINE.
- "*" DENOTES CALCULATED POINT ONLY.
- THIS SURVEY WAS PERFORMED BY STANDARD FIELD TRAVERSE USING A LEICA TS12 TOTAL STATION WITH A CARLSON SURVEYOR 2 DATA COLLECTOR/FIELD COMPUTER IN JULY OF 2019.
- THIS SURVEY TIED INTO CONTROL POINTS FROM OUR PREVIOUS WORK WITHIN THE AREA AND STREET MONUMENTATION AND LOT CORNERS AS SHOWN AND RELIED UPON THE CITY BIBLE CHURCH LOT LINE ADJUSTMENT FILED UNDER AF No. 2016-0200775 FOR SECTION SUBDIVISION. AND BASIS OF BEARINGS.
- THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A SUBDIVISION GUARANTEE (OR PLAT CERTIFICATE) AND DOES NOT PURPORT TO SHOW ANY OR ALL EASEMENTS THAT A CURRENT TITLE REPORT MIGHT REVEAL.
- PARKING LAYOUT IS APPROXIMATE AND TRACED FROM AN AERIAL PHOTOGRAPH. FOR PARKING STALL INFORMATION SEE CITY BIBLE LOT LINE ADJUSTMENT FILED UNDER AF No. 2016-0200775 AND PARKING AGREEMENT ON FILE AT THE CITY OF LYNDEN.

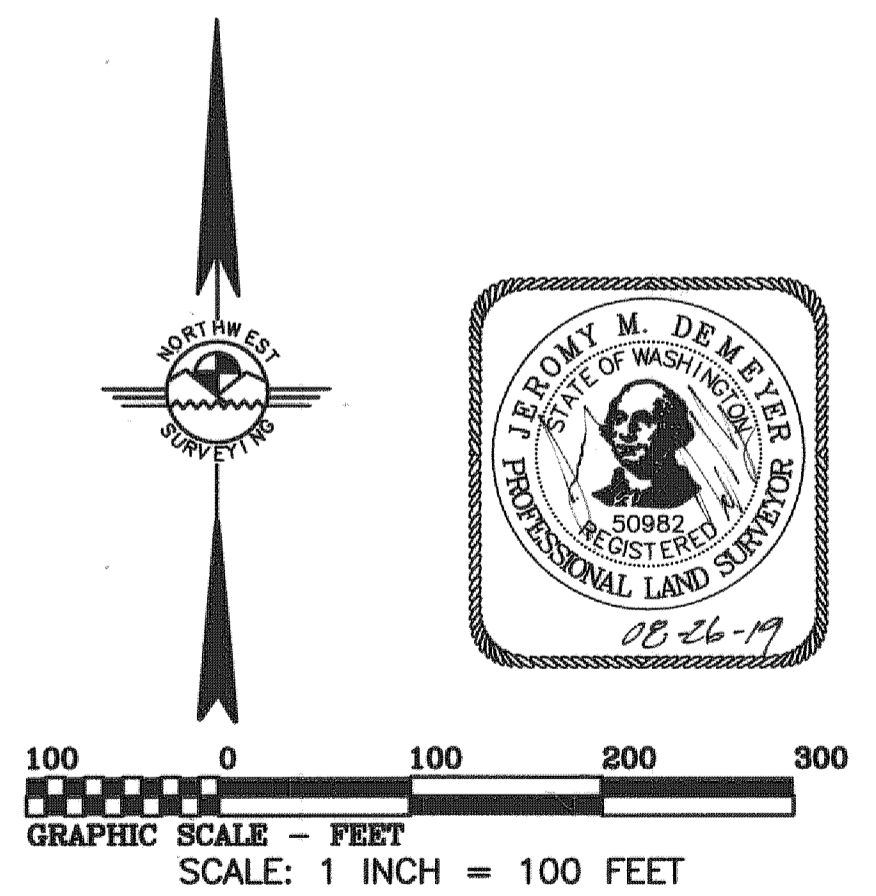
////// DENOTES VEHICULAR ACCESS PROHIBITION AREA 635' NORTH AND 400' EAST OF THE SOUTHWESTERLY CORNER OF LOT 1.

OCCUPATION NOTES:

- Ⓐ NORTH END OF FENCE LIES 0.5' WEST OF LOT LINE.
- Ⓑ SOUTH END OF FENCE LIES 0.6' WEST OF LOT LINE.
- Ⓒ NORTH END OF FENCE LIES 0.3' WEST OF LOT LINE.
- Ⓓ FENCE CORNER LIES 0.6' WEST OF LOT CORNER.
- Ⓔ FENCE CORNER LIES 0.6' EAST AND 2.1' NORTH OF LOT CORNER.

Curve	Radius	Length	Delta
C1	461.94'	102.97'	12°46'16"
C2	450.00'	100.30'	12°46'16"

Course	Bearing	Distance
L1	S 01°36'16" W	145.00'
L2	N 84°58'35" E	25.01'
L3	S 01°36'16" W	80.00'
L4	S 84°58'35" W	53.18'
L5	N 45°43'43" W	20.29'



GRAPHIC SCALE - FEET
SCALE: 1 INCH = 100 FEET

BASIS OF BEARINGS = CITY OF LYNDEN SURVEY MONUMENT NETWORK

DRAWN BY: BRETT	DATE: 08/23/19	JOB NO.: 19-74
REVIEWED BY: JEROMY	DIR: \194003 CRD: 194003.CRD	SHEET: 2 OF 2

NORTHWEST SURVEYING & GPS, INC.
Jeromy M. DeMeyer, L.S. No.50982
Brett W. De Vries, L.S. No.49276
407 5TH STREET, LYNDEN WASHINGTON, 98264
PH.(360) 354-1950 NWSURVEY.COM



WHEN RECORDED RETURN TO:

Ater Wynne LLP
Attn: Kirk W. Smith
1331 NW Lovejoy, Suite 900
Portland, OR 97209

Document Title:	Declaration of Stormwater Facility Easement with Right of Relocation
Declarant / Grantor / Grantee:	Mannahouse Church, an Oregon religious nonprofit corporation
Legal Description:	Lots 1 and 2, City Bible Church Short Plat
Assessor's Tax Parcel No.:	Ptn 400319 050470 0000

DECLARATION OF STORMWATER FACILITY EASEMENT WITH RIGHT OF RELOCATION

THIS DECLARATION OF STORMWATER FACILITY EASEMENT WITH RIGHT OF RELOCATION (“**Declaration**”) is made and entered into this 28th day of August, 2019, by MANNAHOUSE CHURCH, an Oregon religious non-profit corporation, f/k/a as City Bible Church, an Oregon religious non-profit corporation and took title to the property as City Bible Church (“**Declarant**”).

RECITALS

A. Declarant owns real property legally described as follows:

Lots 1 and 2 of City Bible Church Short Plat, according to the plat thereof, recorded on August 28th, 2019, under Auditor's File No. 2019-0803655, records of Whatcom County, Washington.

Situate in Whatcom County, Washington.

B. This Declaration is for the purpose of creating an easement over Lot 1 of City Bible Church Short Plat described above (the “**Servient Estate**”) for the benefit of Lot 2 of City Bible Church Short Plat described above (the “**Dominant Estate**”).

C. There is an existing stormwater facility including primarily a ditch and detention pond located on a portion of Lot 1, City Bible Church Short Plat (the “**Existing Stormwater Facility**”) that is not to City of Lynden's current standards.

D. This Declaration is intended to establish the rights and responsibilities of the owners of the Dominant Estate and Servient Estate relating to construction, development and maintenance, and right of relocation of the Existing Stormwater Facility located on a portion of the Servient Estate.

DECLARATION OF STORMWATER FACILITY EASEMENT
WITH RIGHT OF RELOCATION - I

E. The owners of the Servient Estate, and their successors and assigns, retain and reserve the right to modify, relocate or terminate the Existing Stormwater Facility subject to the requirements contained in this Declaration. This reservation of right is for the purpose of allowing the owners of the Servient Estate to maximize the useful area of the Servient Estate for future development.

NOW, THEREFORE, the Declarant grants, declares, reserves, and conveys as follows:

1. **Stormwater Facility Easement.** Declarant hereby grants, declares, reserves, and establishes a perpetual, except as otherwise herein limited, nonexclusive easement for (i) a stormwater facility (“**Relocated Stormwater Facility**”) for the benefit of the owners of the Dominant Estate, over, across, and under a portion of the Servient Estate, depicted on the attached Exhibit “A” (the “**Easement Area**”), and (ii) cross-lot sheet drainage from Dominant Estate to the Easement Area. This Declaration and the easement contained herein is for the operation, maintenance, and repair for the Relocated Stormwater Facility that will replace the Existing Stormwater Facility. The Existing Stormwater Facility and/or Relocated Stormwater Facility shall hereinafter sometimes be referred to as the “**Stormwater Facility**”.

2. **Relocation.** The owners of the Dominant Estate, and their successors and assigns, acknowledge, covenant and agree that the owners of the Servient Estate, and their successors and assigns, retain and reserve the right to modify, relocate or terminate the Existing Stormwater Facility. This reservation of right is for the purpose of allowing the owners of the Servient Estate to maximize the useful area of the Servient Estate for future development. The owners of the Servient Estate shall have the right to relocate the Existing Stormwater Facility, or any portion thereof, within the Servient Estate or to other properties. The right to relocate the Existing Stormwater Facility is subject to the following terms and conditions.

- (a) The relocation of the Existing Stormwater Facility shall be at the sole cost and expense of the owners of the Servient Estate.
- (b) Prior to relocating the Existing Stormwater Facility, the owners of the Servient Estate shall cause to be permitted, constructed and approved by the appropriate government agency (“**Agency**”) a Relocated Stormwater Facility with a capacity as approved by the Agency, and shall be fully operational.
- (c) The Relocated Stormwater Facility and this Declaration shall be in full compliance with all City of Lynden and State of Washington rules and regulations.
- (d) Except for the location of the Existing Stormwater Facility, or a portion thereof, all terms and conditions of this Declaration shall remain in full force and effect.
- (e) When the Relocated Stormwater Facility has been completed, a legal description and map shall be prepared by a licensed surveyor. An instrument in recordable form shall be recorded extinguishing that portion of this Declaration that has been relocated and creating an easement over revised easement area of the Relocated Stormwater Facility.
- (f) The new easement shall be superior to any monetary liens and shall not be subject to any encumbrances that are inconsistent with the new easements intended purpose.

3. **Maintenance and Repair.**

- (a) Except in an emergency, the owners of the Dominant Estate shall give the owners of the Servient Estate two (2) weeks’ written notice prior to commencing work within the Easement Area, and upon completion of such work shall restore the Easement Area to a condition that is substantially similar, to the extent practicable, to the condition existing prior to the work. Except as provided in Section 3 (b) below, all costs for maintenance, repair and restoration of the Stormwater Facility within the Easement Area shall be borne proportionately by the owners of the Servient Estate and by the owner of the Dominant Estate based on the volume of stormwater generated by Lot 1, City Bible Church Short Plat and the volume of stormwater generated by Lot 2, City Bible Church Short Plat.
- (b) The owners of the Dominant Estate acknowledge that this Declaration is limited to providing the nonexclusive easement for the volume of stormwater generated by Lot 1, City Bible Church Short Plat and the volume of stormwater generated by Lot 2, City Bible Church Short Plat that flows to the Existing Stormwater Facility as of the date of this Declaration (“**Existing Volume of Stormwater**”). If the owners of the Dominant Estate improve, modify, or alter the Dominant Estate, including, without implied limitation, alter an improvement on the Dominant Estate, altering the design, function or other characteristics of the Stormwater Facility for the Existing Volume of Stormwater (collectively, “**Stormwater Facility Adjustments**”), then the owners of the Dominant Estate acknowledge that the owners of the Dominant Estate shall solely pay, be responsible for all costs and expenses for, and have all liability and indemnifies the owners of the Servient Estate for the Stormwater Facility Adjustments, including, without implied limitation, for the alteration, maintenance, repair and/or restoration of the Stormwater Facility related to and/or resulting from the Stormwater Facility Adjustments.
- (c) The owners of the Dominant Estate acknowledge that they shall not improve, modify, or alter the Dominant Estate, including, without implied limitation, alter and/or add to an improvement on the Dominant Estate, increasing the Existing Volume of Stormwater, and the owners of the Dominant Estate expressly prohibited from (i) adding or otherwise increasing the Existing Volume of Stormwater, and/or (ii) increasing capacity or required area for and/or design, function or other characteristics of the Stormwater Facility.

4. **Indemnification.** The owner of the Dominant Estate covenants and agrees to indemnify, hold harmless and defend the owners of the Servient Estate from and against any and all claims, losses and damages from personal injury or death, or damage to property arising out of the (i) the use or misuse of the Easement Area by the owner of the Dominant Estate; and/or (ii) breach of this this Declaration by the owner of the Dominant Estate, except for any damage or loss caused by the negligence of the owners of the Servient Estate.

5. **Consideration.** The true and actual consideration for this grant of easement is no money, but consists of other valuable consideration. Except for the specific grant of easement contained in Section 1 of this Declaration, and notwithstanding any provision to the contrary contained in this Declaration, the owner of the Dominant Estate covenants, acknowledges and agrees that this Declaration does not convey or contract to convey fee title or any other any interest in the Servient Estate.

6. **Exceptions of Record.** This Declaration is granted subject to all prior easements or encumbrances, recorded or unrecorded.

7. **Release of Owner.** The owner of the Dominant Estate and its successors accept this conveyance and the easement associated with the right to utilize the easement described herein and the Servient Estate in AS-IS WITH ALL FAULTS condition without any warranties or representations whatsoever by the owners of the Servient Estate other than set forth in this Declaration, if any.

8. **Covenant Runs with the Land.** In all respects, the provisions of this Declaration shall be construed and interpreted as a covenant that runs with the Dominant and Servient Estates and shall be binding upon and inure to the benefit of the heirs, assigns, successors to and personal representatives of the Declarant.

9. **No Waiver.** Failure to enforce any provision of this Declaration shall not operate as a waiver of any such provision.

10. **Governing Law.** This Declaration shall be governed by, construed and enforced in accordance with the laws of the State of Washington.

11. **Severability.** Invalidation of any of the provisions of this Declaration by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.


12. **Recitals and Any Exhibit.** The terms and conditions of the recitals to this Declaration and any exhibit attached to this Declaration shall be deemed to have been incorporated in this Declaration by this reference, with the same force and effect as if fully set forth in the body of this Declaration.

13. **Attorney's Fees.** In the event any of the parties' institute suit to enforce the Declaration, the successful party shall be entitled to court costs and reasonable attorney's fees against the losing party.

14. **Entire Agreement.** This Declaration contains all of the representations and is the entire understanding between the parties hereto with respect to the subject matter of this Declaration.

DECLARANT:

MANNAHOUSE CHURCH, an Oregon religious non-profit corporation

By 

Name: Robert Jameson

Its: Treasurer

STATE OF Oregon)
COUNTY OF Multnomah : ss.

On this 24th day of August 2019, before me personally appeared Robert Jameson, to me known to be the Treasurer of MANNAHOUSE CHURCH, the corporation that executed the within and foregoing instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he / she was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Michele D. Dolan



PRINTED NAME: Michele D. Dolan

Notary Public in and for the State of ~~Washington~~ OREGON
residing at Multnomah County.

My commission expires: 11/13/2021.

EXHIBIT "A "

DESCRIPTION OF STORM DRAIN EASEMENT

A STORM DRAIN EASEMENT OVER, UNDER AND ACROSS A PORTION OF LOT 1 OF THE CITY BIBLE CHURCH SHORT PLAT AS PER THE MAP THEREOF RECORDED UNDER AUDITOR'S FILE No.2019- 0803655, RECORDS OF WHATCOM COUNTY WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 1; THENCE THE FOLLOWING FIVE (5) COURSES:

1. NORTH 86° 56' 18" EAST ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 119.74 FEET;
2. NORTH 36° 46' 58" WEST A DISTANCE OF 160.98 FEET;
3. NORTH 78° 39' 58" WEST A DISTANCE OF 34.80 FEET TO THE WEST LINE OF SAID LOT 1;
4. SOUTH 01° 36' 16" WEST A DISTANCE OF 128.05 FEET;
5. SOUTH 45° 43' 43" EAST A DISTANCE OF 20.29 FEET TO THE **POINT OF BEGINNING**.

AS DEPICTED ON EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO AND TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD OR OTHERWISE.

EXHIBIT "A"

DEPICTING STORM DRAIN EASEMENT
A PORTION OF GOV'T LOT 1, (NW4, NW4), SECTION 19,
TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.,
WITHIN THE CITY OF LYNDEN,
WHATCOM COUNTY, WASHINGTON

GUIDE MERIDIAN - S.R. 539

S 01°36'16"W



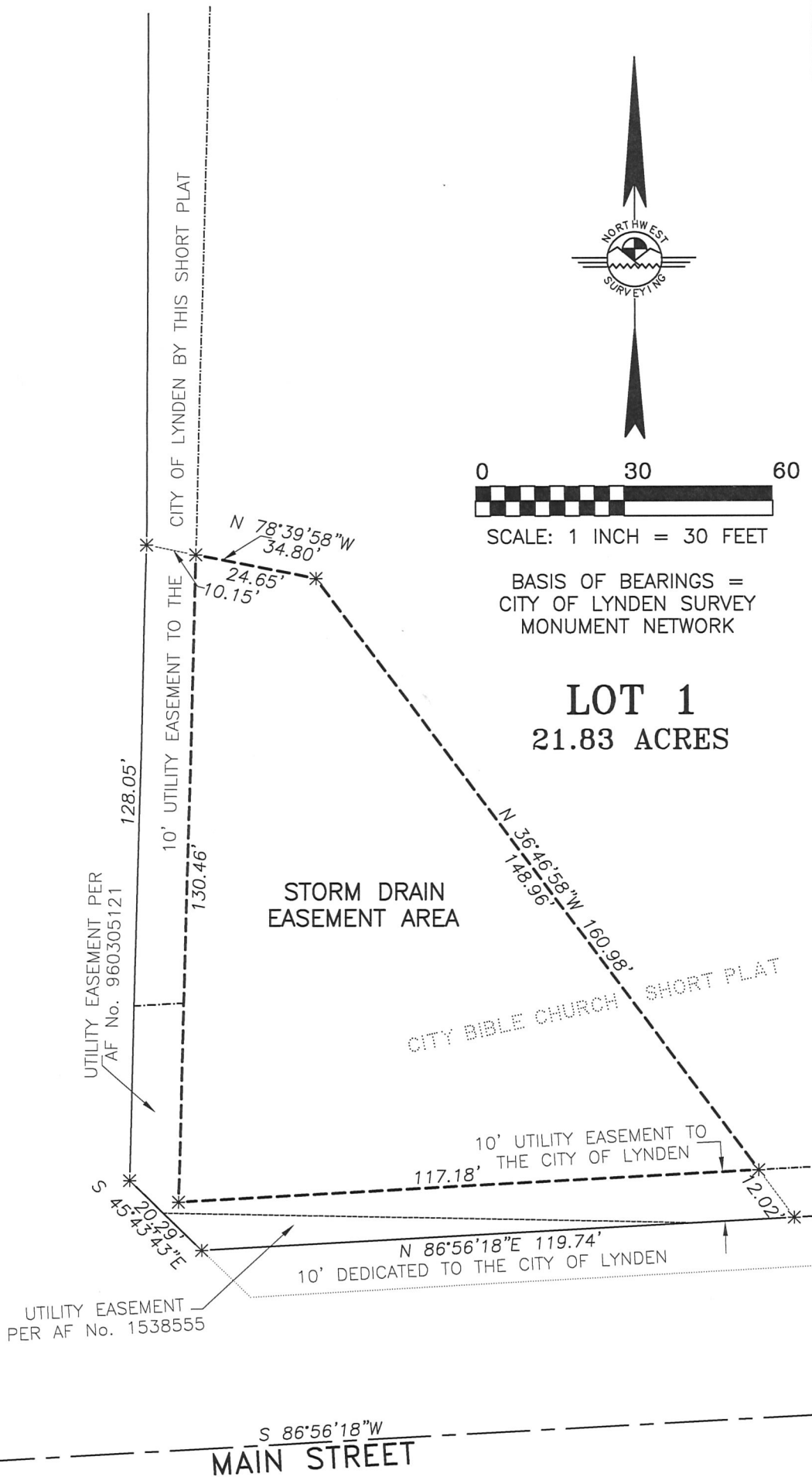
SCALE: 1 INCH = 30 FEET

BASIS OF BEARINGS =
CITY OF LYNDEN SURVEY
MONUMENT NETWORK

LOT 1
21.83 ACRES

STORM DRAIN
EASEMENT AREA

CITY BIBLE CHURCH SHORT PLAT





WHEN RECORDED RETURN TO:

Ater Wynne LLP
Attn: Kirk W. Smith
1331 NW Lovejoy, Suite 900
Portland, OR 97209

Document Title:	Declaration of Easement
Declarant / Grantor / Grantee:	Mannahouse Church, an Oregon religious nonprofit corporation
Legal Description:	Lot 2, City Bible Church Short Plat
Assessor's Tax Parcel No.:	Ptn 400319 050470 0000

DECLARATION OF EASEMENT

THIS DECLARATION OF EASEMENT ("**Declaration**") is made and entered into this 28th day of August, 2019, by MANNAHOUSE CHURCH, an Oregon religious non-profit corporation, f/k/a as City Bible Church, an Oregon religious non-profit corporation and took title to the property as City Bible Church ("**Declarant**").

RECITALS :

A. Declarant owns real property legally described as follows:

Lot 2, City Bible Church Short Plat, according to the plat thereof, recorded on August 28th, 2019, under Auditor's File No. 2019-0803655, records of Whatcom County, Washington.

Situate in Whatcom County, Washington.

The above-described real property will be referred to in this Agreement as the "**Dominant Estate**".

B. Declarant owns the real property legally described as follows:

Lot 1, City Bible Church Short Plat, according to the plat thereof, recorded on August 28th, 2019, under Auditor's File No. 2019-0803655, records of Whatcom County, Washington.

Situate in Whatcom County, Washington.

The above-described real property will be referred to in this Agreement as the "**Servient Estate**".

NOW, THEREFORE, Declarant hereby grants, declares, and covenants as follows:

1. Grant of Easement. Declarant hereby grants and establishes a perpetual, except as otherwise herein limited, nonexclusive easement for the right to use for normal vehicular over areas improved for ingress and egress over that portion of the Servient Estate legally described on the attached Exhibit "A", and depicted on the attached Exhibit "B" (the "Easement Area"). The owner of the Dominant Estate and the owner of the Servient Estate shall have equal reciprocal rights of ingress, and egress over the Easement Area and shall take no action to prevent the other party's enjoyment of such rights.

2. Benefit and Permitted Users. The Easement is granted for the benefit of the owner of the Dominant Estate, its tenants, employees, customers, members, and invitees in common with the Servient Estate, it's tenants, employees, customers, members, and invitees.

3. Maintenance. The owner of the Dominant Estate and the Servient Estate shall bear all maintenance, repair, and snow and debris removal expenses equally for all paved areas located within the Easement Area. All decisions and actions regarding the maintenance, repair, and snow and debris removal related to the Easement Area shall be solely made and performed by the owner of the Servient Estate, or its agents, heirs, and assigns. The owner of the Dominant Estate shall promptly pay its share of the expenses incurred by the owner of the Servient Estate within 30 days of billing for the expenses. If the owner of the Dominant Estate does not promptly pay its share, the owner of the Servient Estate may pay the full cost and then have an immediate right to reimbursement from the owner of the Dominant Estate, together with interest at the rate of twelve percent (12%) per annum on the unpaid amount and all attorney fees and other collection costs incurred by the owner of the Servient Estate.

4. Indemnification. The owner of the Dominant Estate covenants and agrees to indemnify, hold harmless and defend the owner of the Servient Estate from and against any and all claims, losses and damages from personal injury or death, or damage to property arising out of the (i) the use or misuse of the Easement Area by the owner of the Dominant Estate and/or their guests and invitees; and/or (ii) breach of this this Declaration by the owner of the Dominant Estate, except for any damage or loss caused by the negligence of the owner of the Servient Estate.

5. Consideration. The true and actual consideration for this grant of easement is no money, but consists of other valuable consideration. Except for the specific grant of easement contained in Section 1 of this Declaration, and notwithstanding any provision to the contrary contained in this Declaration, the owner of the Dominant Estate covenants, acknowledges and agrees that this Declaration does not convey or contract to convey fee title or any other any interest in the Servient Estate.

6. Exceptions of Record. This Declaration is granted subject to all prior easements or encumbrances, recorded or unrecorded.

7. Release of Owner. The owner of the Dominant Estate and its successors accept this conveyance and the respective easements associated with the right to utilize the easements described herein and the Servient Estate in AS-IS WITH ALL FAULTS condition without any warranties or representations whatsoever by the owner of the Servient Estate other than set forth in this Declaration, if any.

8. Modification and Termination. This Declaration may only be amended, modified or terminated only by unanimous consent of the owner of the Dominant Estate and the owner of the Servient

Estate in writing, and written approval of the requisite government agency or by an Order of a court of competent jurisdiction. If any provision herein shall be invalid, illegal or unenforceable in any respect, the validity of the remaining provisions shall not be affected.

9. Attorney's Fees. In the event the owners of the Dominant Estate or the Servient Estate institute suit to enforce this Declaration, the prevailing party shall be entitled to court costs and reasonable attorney's fees against the losing party.

10. Covenant Runs with the Land. In all respects, the provisions of this Declaration shall be construed and interpreted as a covenant that runs with the Dominant and Servient Estates and shall be binding upon and inure to the benefit of the heirs, assigns, successors to and personal representatives of the Declarant.

11. No Waiver. Failure to enforce any provision of this Declaration shall not operate as a waiver of any such provision.

12. Governing Law. The laws of the State of Washington shall govern this Declaration.

13. Severability. Invalidation of any of the provisions of this Declaration by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

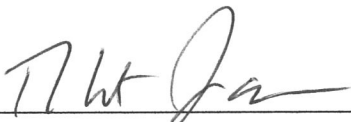
14. Recitals and Any Exhibit. The terms and conditions of the recitals to this Declaration and any exhibit attached to this Declaration shall be deemed to have been incorporated in this Declaration by this reference, with the same force and effect as if fully set forth in the body of this Declaration.

15. Attorney's Fees. In the event any of the parties' institute suit to enforce the Declaration, the successful party shall be entitled to court costs and reasonable attorney's fees against the losing party.

16. Entire Agreement. This Declaration contains all of the representations and is the entire understanding between the parties hereto with respect to the subject matter of this Declaration.

DECLARANT:

MANNAHOUSE CHURCH, an Oregon religious non-profit corporation

By 

Name: Robert Jameson

Its: Treasurer

STATE OF Oregon)
COUNTY OF Multnomah) : ss.

On this 24th day of August 2019, before me personally appeared Robert Jameson, to me known to be the Treasurer of MANNAHOUSE CHURCH, the corporation that executed the within and foregoing instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he / she was authorized to execute said instrument

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Michele D. Dolan
PRINTED NAME: Michele D. Dolan
Notary Public in and for the State of ~~Washington~~, OREGON
residing at Multnomah County.
My commission expires: 11/13/2021.

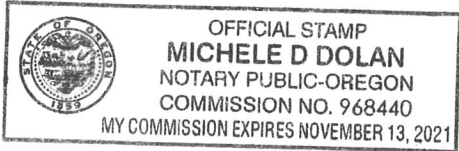


EXHIBIT "A "

DESCRIPTION OF ACCESS EASEMENT

AN ACCESS EASEMENT OVER AND ACROSS THE EAST 20.00 FEET OF THE SOUTH 75.00 FEET OF LOT 1 OF THE CITY BIBLE CHURCH SHORT PLAT AS PER THE MAP THEREOF RECORDED UNDER AUDITOR'S FILE No.2019- 0803655, RECORDS OF WHATCOM COUNTY WASHINGTON.

AS DEPICTED ON EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO AND TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD OR OTHERWISE.

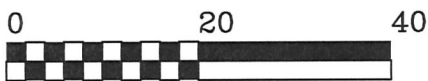
EXHIBIT "B"

DEPICTING 20' ACCESS EASEMENT
A PORTION OF GOV'T LOT 1, (NW4, NW4), SECTION 19,
TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.,
WITHIN THE CITY OF LYNDEN,
WHATCOM COUNTY, WASHINGTON

CITY BIBLE CHURCH SHORT PLAT

LOT 1
21.83 ACRES

LOT 2
4.80 ACRES



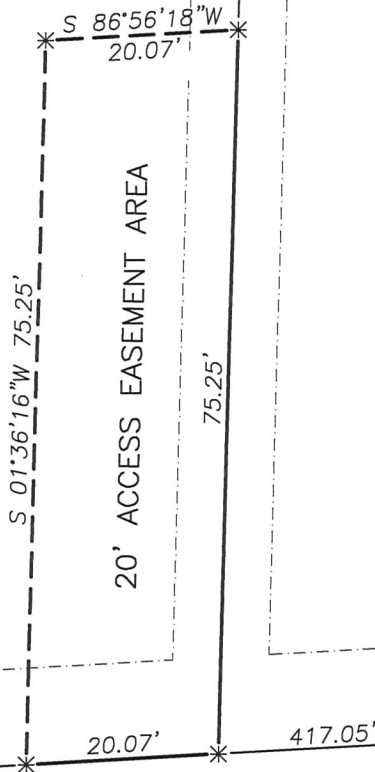
SCALE: 1 INCH = 20 FEET

BASIS OF BEARINGS =
CITY OF LYNDEN SURVEY
MONUMENT NETWORK

10' UTILITY EASEMENT TO THE CITY OF LYNDEN
409.58'

10' DEDICATED TO THE CITY OF LYNDEN

S 86°56'18"W
MAIN STREET



April 2, 2020
Heidi Gudde, Planning Director
City of Lynden
300 4th St.
Lynden, WA. 98264

RECEIVED
APR 6 2020
City of Lynden
Planning Department

Planning Commission:

Right off the top, let me say that we are not opposing the Residential development of the City Bible Church property. Neither are we opposed to duplexes being built on the same property. We are not opposed to renters! We are concerned for the density of the proposed conception plan (3,000 SQ FT LOTS, Cordata style?) that AVT Consulting shows for some of the property. The concept plan that was received from the City Planning Office does not show the proposed 12 unit family apartments that have been in the legal notices in the Lynden Tribune, has AVT changed it since then? If the concept plan that we have received is approved there is a very real possibility of putting **300 vehicles** and at least 134 units on this property.

HERE ARE MY CONCERNS:

TRAFFIC: I would encourage you to take a look at the area of Main and 19th between 2:30 pm and 5:00 pm around the school. Parents form a circle around the school parking lot to pick up their children and the traffic at 19th and Main is difficult. I am also concerned for the safety of the children at the school. Soon, there will be additional fourplexes built on the corner of 19th and Main, adding to the traffic, congestion and wait times to cross Main Street. We have seen additional traffic on 19th since Bogaard Meadows was built, folks avoid Double Ditch if they can. This does not even address the large equipment, dump trucks and other construction related vehicles using 19th street to get to the CBC property. As of now, there is only one small entry/exit to the property, which happens to be right out my front door, it is vital that another larger entry/exit be provided. It is not unusual to have a backup on Main and the Guide.

WATER: **As you know**, there are significant water issues in this area of Lynden. Many of the homes on the North end of 19th, N Pine Ct and Pine Circle have sump pumps under their homes, provided by the City of Lynden. These homes do not have good drainage and should have been constructed higher. In 2009 there was standing water, 1-2 ft deep from 19th St Court down to S Meadow Lane, had we not had a high sitting Jeep, we would not have been able to get to our home. Now there have been fourplexes permitted at this very location, with more hardscape and worse draining possibilites. There were water issues again in this area between 19th and Double Ditch Rd this winter. There are severe drainage issues on the City Bible Church property and has been for years. Water flows from the North and could create a real danger to our homes, if specific, exact drainage precautions are not taken to deal with the serious issues on CBC property. As of today, as the resident at 860 19th, we are some of the few that have **not** had water problems on our property and if this proposed plan is permitted, and we then have water issues, we know who will be held responsible and liable. There are others in this area that are far more informed about this problem than I and I would encourage you to listen to them and take their opinion to account.

HEALTH: As a senior citizen, I have serious health issues. I have COPD, Asthma and severe allergies. I have not had many issues here with them but am now concerned with the moving of dirt, dump trucks hauling dirt and general construction work being done on the property, all most likely driving through residential areas, in front of my home to get to the property. What will happen to the quality of the air coming from the property toward our home? I do not want to be forced to move from my home, which I have lived in for 22 years because this construction project happens.

COMPASSION: I would really like to see AVT Consulting and City Bible Church use some compassion and do the right thing on this property. Is it not possible to do something on this property that would not be detrimental to the established neighborhood around it? We, the 19th Street area and City Bible Church have been dealing with this issue for many, many years and it has been **very difficult!** How about nice residential sized lots, nice homes and duplexes on the property, and leave it at that?



Duana R. Adams

86019th Street, Lynden, WA. 98264

Attach 1

April 7, 2020

City of Lynden Planning Commission / Planning Department

RE: AVT Consulting/Church rezone request for Rezone, 1990 Main Street

My interest relates to flooding threat south of this property, when the present open land is replaced with dense development and lots of impervious area -- roofs, sidewalks, driveways, streets and parking.

My home is one block south of Main, two blocks west of 19th (at South Meadow Lane and Meadow Lane).

Our streets were under water in the January 2009 flood. Those of us without high-clearance vehicles were marooned for several days. I had two feet of water in the unfinished lower level of my house, and it took two weeks to subside through a large drain. Neighbors with finished lower living space had to replace everything from the studs out.

I am pro-growth and have learned to be wary about outcomes when big money works with small towns that want revenue and have limited technical resources. Here are some local projects I'm aware of that were approved by the city and turned out to have water or soil stability problems:

- Pine Street neighborhood where the city had to retrofit crawlspace pumps for homeowners
- Condos slipping down the creek bank at 17th & Liberty
- Erosion of the steep creek bank at the base Salmonberry condos near Tractor Supply.

My request to the City is to make sure water issues and solutions are fully identified and resolved before any development begins. To avoid harm to the broader neighborhood and to avoid a big liability mess for the City of Lynden and the taxpayers you serve, I ask that you please take steps to ensure this issue gets proper attention.

Judy Harmon Smith
131 S. Meadow Lane, Lynden, WA 98264
jhspacnw@gmail.com

To the City of Lynden Planning Department
Via Email

Re: Rezone of Lot 1, City Bible Church Short Plat (AF# 2019-0803655)

I am writing this letter to officially oppose the re-zoning of Lot 1, City Bible Church Short Plat AF# 2019-0803655 from existing RS-100 to proposed RMD and RM-3. While I agree that the property is best kept as a residential use, I do generally object and would like to have you note the following:

I have been in various arenas of real estate since 1997. I have worked with developers, buyers, renters, sellers, municipalities, etc. I respect property rights as well as anyone. I'm for progress and commerce. Yet, one thing that has become increasingly obvious is the lack of single family homes. Developers are quick to maximize gains with little regard to the footprint and density. Yet buyers still desire the American Dream of a single family home with a yard and a tad of privacy. These type of homes (like the Pine Street neighborhood) are becoming endangered. There is still a great need for a regular 2-4 bedroom house on the regular lot...with a lawn. They sell quickly for a reason yet they are extremely hard for buyers to find, so they "settle" on what's available. Where do you live? Why did you choose to live there?

RMD is only part of the applicant's plan to provide a buffer between the existing single family lots and the maximum density that RM-3 allows. 12 units!!! Next to RS-100??? Yikes!!! The buffer is not large enough and I doubt the developer intends to put 12 unit buildings on a graciously sized lot to lower the footprint. They'll be crammed together like sardines! When did this become a good idea? (Especially considering the COVID reality...breathing room people!)

The Pine Street neighborhood is an owner occupied neighborhood with property owners that keep up on maintenance and aesthetics. There is a real pride of ownership here and it shows in the curb appeal. It is not a good candidate for the nearby up-zoning which is traditional of much older and more run-down neighborhoods. Especially when RM-3 will bring in renters who do not take the same pride of ownership but typically rent until they can move into that "better" place. That's a stone's throw from folks that have worked real hard in the Pine community. Renters do not take the same care or hold the same value. What about you? Do you have a pride of ownership in your neighborhood?

Side note – had the current non-profit NOT been granted a Conditional Use Permit the property in question would have been developed under its current RS-100 zoning LONG ago. Sort of convenient for this non-profit out of towners.

Water – while I was out of town for the Super Bowl flood, I heard about it and read about it. It seems a portion of Main Street was under water and Double Ditch reached capacity. This neighborhood has a high water table and the density that RM-3 allows is VERY concerning. (I almost want to interject a comment about protecting the salmon but only consider doing so slightly humorously as anytime there is water to be found of this nature it is protected at great lengths! Sort of ironic.)

Speed – it's common knowledge that Double Ditch to Pine Street is a short cut. People regularly drive 40 mph down our street at rush hour. Any change to RM-3 which could allow up to 12 units allows too many additional cars to take this short cut which endangers our children and pets.

I know this is not the first attempt to rezone this property. Each time our community asks that the City listen to its citizens who would like to see the City Bible Church property developed in like kind and nature as the existing Pine Street neighborhood. Keep the RS-100 zoning and encourage the out-of-town developer to make their millions selling single family homes that align with that Chapter. We all know they would sell quickly.

Thank you for lending an ear.

Sincerely,

Amy Hoover

1817 Pine Street
Lynden WA 98264
360-223-0923

Heidi Gudde

From: Luke Wyatt <lukewyatt@gmail.com>
Sent: Wednesday, April 8, 2020 2:24 PM
To: Heidi Gudde; Heidi Gudde
Subject: Submission of comments for proposed rezone of 1990 Main Street

Hi Heidi,

I hope you, your family and colleagues are doing well.

With the lobby of City Hall being closed and social distancing policies in place, I hope that submitting comments regarding the rezone of 1990 Main Street via email is acceptable.

Thanks and stay well.

April 7, 2020

City of Lynden
Heidi Gudde, Planning Director
300 4th Street
Lynden, WA 98264

RE: Rezone of 1990 Main Street

Despite arguments to the contrary, the fact is that the current RS-100 zoning of 1990 Main Street remains the best and most logical zoning for this property.

During this process, please listen to the community and the neighborhood. The recent rezone on the northwest corner of 19th Street and Main Street could be construed as an example of this not happening. The neighborhood was united against the rezone and the Planning Commission recommended that the City Council reject it, yet the council approved it anyway.

If the City of Lynden's "any growth at any cost" approach illustrates anything, it's that any type of housing, built almost anywhere, can and will be in high demand. Single family housing in east Lynden has proliferated, despite less-than-ideal access to the services of Lynden and the jobs of Ferndale and Bellingham. Undoubtedly, single family homes in west Lynden (and on the 1990 Main Street property, specifically), as originally zoned, will be in demand and fill a need. Although not in the city limits, the growth of neighborhoods like the one on the northwest corner of Guide Meridian and Wisser Lake Road shows that convenience sells, regardless of proximity to a highway like Guide Meridian.

If the city decides to move forward with the rezone, despite the longtime objection from the entire northwest part of the city, please keep in mind and adequately address the following concerns.

Traffic

In the proposed MPRD, primary access to the development is off of Main Street between Guide Meridian and 19th Street. Ideally, an alternate point of access would be off of Guide Meridian, not 19th Street. Please ensure, through whatever means necessary (e.g. one-way street), that the access from Main Street and NOT 19th Street handles the vast majority of new traffic in this area. Previously, during the rezone of the property at the northwest corner of Main Street and 19th Street, a member of the council downplayed the impact that additional multi-family housing to this area would have on traffic. It's much more difficult to downplay the impact of adding up to 135 residential units to this small geographic area. A dramatic traffic increase isn't acceptable to the residents on 19th Street.

Flooding

During the flooding earlier in 2020, crawlspaces and streets in our neighborhood (extending a couple blocks west of Double Ditch Road) experienced flooding. This has been a longstanding issue and the excruciatingly slow progress on Pepin Creek leaves little sense that it will be solved in the near future. The north half of the land in the proposed rezone is low and often wet. Will inadequate planning and half-measures resign residents along 19th Street to the same fate as our neighbors to the east? Please ensure they don't.

Density

If the property owners/developers/City Council/Planning Department *insist* on rezoning this property, why not keep the eastern quarter as RS-100 (instead of the proposed RMD) and the western three-quarters as RM-1, rather than RM-3. There is legitimate concern that, although the MPRD shows duplexes as the highest density housing in the development, if rezoned to RM-3 these duplexes will magically turn into buildings with 12 units. If the true intention is to build duplexes in this area, why not keep everyone honest and zone the property as RM-1? We must all be 100% honest during this process.

Property values

Placing higher-density housing close to lower-density housing negatively impacts the value of the lower-density housing. It's a fact. The City of Lynden seems to prioritize an insatiable drive for growth over current property owners - often under the cover of "affordable housing." Of course, affordable housing is important. At the same time, we must not sacrifice everything - especially our current Lynden residents - to the god of high-density housing.

The current RS-100 zoning of 1990 Main Street continues to make sense. The City of Lynden and Planning Department must offer a compelling argument for approving this rezone - something much more than "we know best and can do what we want" is required.

Finally, I trust the public hearing currently scheduled for April 30th will be rescheduled to a later date that allows full, in-person, participation by the entire community.

Thank you for your consideration.

Respectfully,

Luke Wyatt

836 19th Street
lukewyatt@gmail.com

Heidi Gudde

From: Heidi Gudde
Sent: Monday, July 27, 2020 9:09 AM
To: Luke Wyatt
Subject: RE: 1990 rezone

Hi Luke,

Yes, the comments that were submitted earlier for this application will be included in the record and do not need to be resubmitted. You are welcome to submit additional comments if you wish.

Yes, you are reading the application revision correctly. At the recommendation of staff the applicant has revised the rezone to be 100% Residential Mixed Density (RMD). The project that they were proposes did not require the unit count that would come with an RM-3 zoning so they have revised this to the lower density RMD zoning.

RMD, by design, mixes single family homes on traditional larger lots (8,000 – 10,000 sf) with small lots and duplexes.

The concept they are proposing for the zoning overlay – the Planned Residential Development (PRD) – request some flexibility in design standards. This includes the potential of four-plexes on the lots closest to the Guide Meridian (the ditch there is fish-bearing so less area is available for development). Some lots that are small single family, and, building some streets within a 50 foot wide right-of-way instead of a 60 foot wide right-of-way. As you know the soils here are heavy so reducing some of the paved areas on the side street will reduce the amount of rain water they need to treat. Staff has recommended that all of the City’s parking code be upheld so that even though the lots may be small they can accommodate multiple vehicle households. No access to the Guide Meridian has been requested.

As this project is using a 2-step process for approval there will be subsequent hearing with more details if the Council approves the rezone and concept that you can attend and comment on. Hopefully we will be free from some of the COVID restrictions by then so we can host a more traditional hearing at that time.

Let me know if you have questions.

Regards,

Heidi Gudde

Heidi Gudde, AICP
Planning & Community Development Director

City of Lynden
(360) 354-5532

From: Luke Wyatt <lukewyatt@gmail.com>
Sent: Friday, July 24, 2020 8:22 PM
To: Heidi Gudde <GuddeH@lyndenwa.org>
Subject: 1990 rezone

Hi Heidi,

I hope all is well.

Two quick questions regarding the 1990 Main Street rezone and public hearing:

- Will previously-submitted written comments regarding this rezone still be valid for/included in the meeting record or should they be resubmitted?
- The previous rezone application (submitted to the city on December 17, 2019) for 1990 Main Street was seeking to rezone maybe 20% of the property (the eastern/northeastern portion) as RMD, while the rest of the property would be RM-3. The new rezone application (submitted April 24, 2020) only mentions a request from RS-100 to RMD only. This appears to be a pretty big change. Am I reading/understanding this correctly?

Thanks for your help.

Stay well.

Luke Wyatt

Heidi Gudde

From: Murray Wood <propertymanagerwest@gmail.com>
Sent: Wednesday, April 8, 2020 10:04 PM
To: Heidi Gudde
Subject: 1990 Main Strret, Lynden Rezoning and MPRD Concept

Standard Properties Corp.
7807-199 Street
Langley BC V2Y1S3 Canada

April 8, 2020

Attention: Heide Gudde, Planning Director
City of Lynden
300-4th Street
Lynden, WA 98264

Dear Sirs/Mesdames:

Re: Legal Notice of Application for a Rezone, MPRD Concept and
Public Hearing 1990 Main Street Lynden, Washington

Thank you for the Legal Notice of Application for a Rezone, MPRD Concept and Public Hearing for the property at 1990 Main Street, Lynden.

Standard Properties Corp. owns 8530 Guide Meridian, being the 2-acre site north and adjacent to the subject site.

We support the Application for a Rezoning and MPRD Concept for this property and would like to see the streets, water, sewer and utilities extended to the northerly extent of the Rezoning property to allow future servicing of our lands.

Yours truly,
Murray Wood
STANDARD PROPERTIES CORP.
T: 1-604-834-3289

CITY OF LYNDEN



TECHNICAL REVIEW COMMITTEE Development Project Report

· FINAL ·

Date Issued:	August 4, 2020
Project Name:	Lions Gate MPRD #20-01
Applicant:	AVT Consulting, LLC. Francine St Laurent
Property Owner:	Mannahouse Church, Robert Jameson & Bruce Wood
Site Address:	1990 Main Street, Lynden
Parcel Number:	400319-051539 and 400319-034471
Zoning Designation:	RS-100
Application Type:	Step 1 of 2 of a Master Planned Residential Development (MPRD)
Parcel Size:	21.83 Acres
Hearing Type:	Quasi - Judicial
Hearing Objective:	The objective of this public hearing is to determine whether the proposal meets the requirements found within Chapter 19.29 of the Lynden Municipal Code regarding Planned Residential Developments.
Date application determined complete:	March 10, 2020
Date of Publication:	March 25, 2020
SEPA Determination:	March 18, 2020
Project Description:	Step 1 of 2 for a Master Planned Residential Development. Project includes approximately 21.83 acres divided to accommodate no more than 135 units on approximately 110 lots. A concurrent rezone from the existing RS-100 zone to Residential Mixed Density (RMD) is also being sought to accommodate the proposed PRD density.
Other Pending Applications:	Site Specific Rezone #20-01

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).

Lynden Municipal Code (LMC) 19.29 guides the development standards and criteria for approval for Master Planned Residential Developments (MPRDs). The Lions Gate proposal appears to meet the following requirements consistent with the LMC:

Intent: The primary purpose of a Master Planned Residential Development (MPRD) is to promote creativity in site layout and design by allowing flexibility in the application of the standard zoning requirements and development standards.

The overall intent of the Lions Gate MPRD appears mostly consistent with the purpose of Planned Residential Developments as outlined in LMC 19.29.010. Provisions for critical areas should be strengthened. See staff comments below regarding this issue.

Generally, the project provides a desirable mix of housing types. This facilitates a variety not typically available under conventional zoning methods and serves to meet the housing needs of the Lynden community. This is consistent with the Lynden Municipal Code but also the goals identified in Chapter 1.6.2 of the City of Lynden Comprehensive Plan.

Unit Density: Running concurrently with the MPRD is a request for a site-specific rezone. The current zoning of the property is Residential Single Family with a minimum lot size of 10,000 square feet (RS-100) and a maximum density of 4 units per acre. RS-100 zoning allows for up to 95 units, a maximum density of 4 units per acre. In light of the City's comprehensive goals and the Properties proximity to transportation corridors, the applicant is seeking zoning categories that permit a higher density. If successful, the rezone would allow the proposed 135 units, an average gross density of 6.2 units per acre.

Generally, the proposal locates low density housing types adjacent to the single-family neighborhood that exists along 19th Street. These are single family units on lots of 7,000-8,000 square feet. Housing types become more dense, in the form of zero lot line units and duplexes, on the west side of the property adjacent to the Guide Meridian.

Refer to the Technical Review Committee report on the rezoning application for staff comments on this proposal.

Parking Requirements: Proposal demonstrates compliance with minimum parking requirements per LMC 19.29.060(C) and driveway lengths. Additionally, the proposal includes on-street parking on both sides of right-of-ways which are 60 feet wide and one side of right-of-ways 50 feet wide consistent with LMC 19.29.060(E). See staff comment below regarding a request for an on-street parking graphic.

Pedestrian Connections: As noted in 19.29.060(6), in addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including paved pathways to front doors, and trails within or adjacent to open space

areas. The proposal provides these connections and shows sensitivity to the City of Lynden’s long range trail plan.

Open Space Standards: An MPRD shall set aside a minimum of seven and one-half percent (7.5%) of the gross land area or 4,000 square feet, whichever is greater, for active recreational uses. The proposal has indicated that area reserved for open space equals 18.3%. Be advised that to comply with LMC 19.29 open space shall require a recorded deed restriction or restrictive covenant which runs with the land and assures that said property will remain in open space in perpetuity, consistent with the terms of this chapter, and which shall be held and maintained for such purposes for the common benefit of residents of the development by a homeowner’s association.

A minimum of 30% of the required open space shall be suitable for active recreational purposes. The proposal indicates that the reserved open space will be suitable for active recreational purposed and has proposed pedestrian access points to these areas.

Specific Project Comments from the Technical Review Committee:

The application was reviewed against the applicable chapters of the LMC and the Engineering Design and Development Standards and the comments generated have been included below.

Applicant Response Required: Applicant will be required to provide written responses to each staff comment below. Advisory comments should be acknowledged or confirmed.

Planning and Development

1. *Approval Process:* Be advised, if approved, the proposed concept for the Lionsgate MPRD will be required to return to the Planning Commission within the setting of a public hearing to finalize the design standards and development agreement associated with the plan. The neighborhoods CC&R's will also be reviewed during this process.

2. *Critical Areas:* The western property line of the development is impacted by a fish-bearing waterway that runs parallel with the Guide Meridian. The proposed neighborhood design notes the buffer associated with this waterway. Standard buffer for this time of waterway is 100 feet. However, buffer reductions and averaging are opportunities that the Lynden Municipal Code provides with appropriate mitigation under specific criteria. The revised site plan notes compliance with LMC 16.16.380. Be advised, details of the buffer and mitigation must be addressed through the phase SEPA review and associated critical areas report prior to the second public meeting with the Planning Commission on the Planned Residential Development.

3. *Minimum Lot Size and Architectural Variety:* Per LMC 19.29.060(I) the minimum lot size for single family homes within a PRD is 5,000 square feet. The application proposes a deviation from this standard and addresses the associated criteria in the application package. Staff acknowledges that applicant has provided exterior architectural examples of single-family homes and duplexes / zero lot line homes. Please identify which of these could utilize lots as small as 3,000 square feet. Additionally, please address how architectural variety will be introduced on these more compact sites. Staff will subsequently recommend that the future development agreement and CC&Rs create standards which would require architectural variety within the development.

4. *Garage Elevations:* The residential design standards described in LMC 19.22.030(D)(2) limit the percentage of building elevation that can be occupied

by garage doors to no more than 60% of the street elevation. Be advised, this standard will apply to the home proposed within the Lionsgate PRD unless an alternate design standard is a proposed and approved in the development agreement.

5. Residential Design Standards: Be advised, the homes proposed within the MPRD will be subject to the design standards of LMC 19.22. These also include articulations on building elevations that face toward public streets or shared green spaces, exterior finish details, porches and stoops, and the screening of mechanical equipment. Staff recommends these standards be reviewed in detail to ensure compliance with these standards will be achievable within the proposed MPRD.
6. Garage Forward Design: Be advised, per residential design standards of LMC 19.22, both attached and detached garages shall not extend forward of the home’s living space by more than 12 feet.
7. On-Street Parking: Staff acknowledges that the applicant has provided a graphic which shows the areas of the development where on-street parking will be permitted and if parking will be available on one or both sides of the street.
8. Alley Loaded Residential Development: Staff is supportive of some alley-loaded residences as it creates a streetscape that is more pedestrian friendly (no driveway cuts, the inclusion of front porches, etc). Planning staff recommends that the proposed alleys within the development be maintained as common area under private ownership. Additionally, these items should be addressed in the development agreement and CC&R document:
 - Minimum pavement width.
 - Minimum setback of fences, structures, shrubs and trees which will facilitate the requirement for 24 feet clear as indicated by the Public Works Department.
 - A “no parking” condition and associated signs within the alleys.
 - Garbage pick-up and container storage.
9. Area Break-down: Whatcom County and the City of Lynden have been mandated to participate in an annual report provided to the State which tracks achieved housing density. In an effort to track accurate data for this program all plats and lot line adjustments will be required to provide supporting data. Please provide on the face of the drawing a table which breaks down the total area of the plat drawing after the lot line adjustment into the categories shown below. Note that in some instances the area may be zero and that “other infrastructure” could refer to area used for sewer pump station, stormwater ponds, etc.

	Plat Area (in sq ft)
Gross plat area	
Reserve tracts	
Critical areas (including buffers)	
Right of ways (ROWs)	
Other infrastructure	
Net developable	
Percent ROW and Infrastructure	%

- 10. Lot Design-Frontage: In the future development agreement, please address standards for minimum frontage requirements for residential lots.
- 11. Utility Easements: Per 18.14.075, of the LMC requires 5-foot utility easements around the interior property line of all residential lots. If a deviation to this requirement is requested, it must be included in the future development agreement.
- 12. Street Trees: Be advised, per Sec. 18.14.120, the developer will be required to provide street trees within the dedicated public utility easement adjacent to the street, preferably between the curb and the sidewalk. Without blocking view triangles, there shall be a minimum of one tree per lot with a maximum of fifty feet between trees. Maintenance of street trees shall be the responsibility of the adjoining property owner.
- 13. Homeowners Association Required: Be advised, per LMC 19.29.130 the MPRD shall have a homeowner’s association and enforceable covenant to fund and effectively collect fund for such and organization. Associated agreements and covenants shall apply to all the property with the PRD, shall be recorded and shall run with land. Within one year of preliminary approval the final development contract and the community’s covenants, conditions and restrictions (CC&R’s) must be presented to the Planning Commission for review and City council for

approval. CC&R's must include a management plan for common open space, trails, alleys, mitigated areas, and conservations easements if utilized.

Public Works

- 14. Public Improvements: Be advised, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards or an equivalent approved through the Planned Residential Development process.
- 15. Plat/Interior Street Improvements: If the applicant proposes an alternate frontage improvement plan different than City standard for approval it must provide adequate turn-around within public right-of-way and address the needs of the proposed development (ex. parking, life safety, delivery, waste collection etc.) Any proposed alley shall be private with a minimum clear width of 24-feet.
- 16. Off-site Street Improvements: Proponents traffic study must address all phases/impacts of the proposed project. Traffic study must meet requirements of City standards. Additional right-of-way may be needed to address west bound right turn movements.
- 17. Stormwater
 - a. A stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. This must also address any impacts from seasonal high groundwater. The area experiences overland water flow from the north. The developed areas shall be raised, or other approved methods submitted for approval to prevent future drainage issues. An interception ditch along the north property line conveying flows to the Guide Meridian (SR-539) ditch is needed. An erosion control plan must be included in the drainage plan and construction plans as necessary.
 - b. All plans must be designed and constructed in compliance with the Department of Ecology's Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards.
 - c. Stormwater from public streets may be infiltrated within the dedicated right-of-way, or within a separate dedicated tract, if approved/accepted by the City, but may not be within the street prism. Infiltration areas and street

trees should have adequate separation to insure the proper functioning of the drainage system and survival of the tree.

- d. A Construction National Pollutant Discharge Elimination System (NPDES) permit may be needed.
- e. The Guide Meridian Ditch is considered Fish Barring by WDFW and a buffer of the proposed 50 feet may not meet their standards.
- f. Proposed lot sizes may make it difficult for any form of onsite facilities to be installed on the lots.

18. Water

- a. As per 6.2 (M) of the City of Lynden Project Manual for Engineering Design and Development Standards.
- b. As per LMC 18.14.150, the main water line shall be extended to the furthest extent of all properties of this PRD unless it is determined that services, including life-safety are adequately provided elsewhere.
- c. A 20-foot utility easement is required if only water is located within it. If two public utilities are in an easement the minimum width is 30 feet equally spaced.
- d. Each house and/or unit within this plat must be individually metered. Water meters must be located within the City right-of-way or unit / access easement.
- e. Proposal has more units that was anticipated per water comprehensive plan and will need to be reviewed for impacts that may require offsite improvements.

19. Sanitary Sewer

- a. Sanitary sewer and water system design and construction must meet the requirements of the City of Lynden Engineering Design and Development Standards.
- b. The sewer line must be extended to the furthest extend of all properties per City development standards of the proposed development unless it is determined that services are adequately provided elsewhere.

CITY OF LYNDEN



TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	March 31, 2020 <i>w/ Applicant Response</i>
Project Name:	Lions Gate MPRD #20-01
Applicant:	AVT Consulting, LLC. Francine St Laurent
Property Owner:	Mannahouse Church, Robert Jameson & Bruce Wood
Site Address:	1990 Main Street, Lynden
Parcel Number:	400319-051539 and 400319-034471
Zoning Designation:	RS-100
Application Type:	Step 1 of 2 of a Master Planned Residential Development
Parcel Size:	21.83 Acres
Hearing Type:	Quasi - Judicial
Hearing Objective:	The objective of this public hearing is to determine whether the proposal meets the requirements found within Chapter 19.29 of the Lynden Municipal Code regarding Planned Residential Developments.
Date application determined complete:	March 10, 2020
Date of Publication:	March 25, 2020
SEPA Determination:	March 18, 2020
Project Description:	Step 1 of 2 for a Master Planned Residential Development. Project includes approximately 21.83 acres divided to accommodate no more than 135 units on approximately 110 lots. A concurrent rezone from the existing RS-100 zone is also being sought to accommodate the proposed PRD density.
Other Pending Applications:	Site Specific Rezone #20-01

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).

Lynden Municipal Code (LMC) 19.29 guides the development standards and criteria for approval for Master Planned Residential Developments (MPRDs). The Lions Gate proposal appears to meet the following requirements consistent with the LMC:

Intent: The primary purpose of a Master Planned Residential Development (MPRD) is to promote creativity in site layout and design by allowing flexibility in the application of the standard zoning requirements and development standards.

The overall intent of the Lions Gate MPRD appears mostly consistent with the purpose of Planned Residential Developments as outlined in LMC 19.29.010. Provisions for critical areas should be strengthened. See staff comments below regarding this issue.

Generally, the project provides a desirable mix of housing types. This facilitates a variety not typically available under conventional zoning methods and serves to meet the housing needs of the Lynden community. This is consistent with the Lynden Municipal Code but also the goals identified in Chapter 1.6.2 of the City of Lynden Comprehensive Plan.

Unit Density: Running concurrently with the MPRD is a request for a site-specific rezone. The current zoning of the property is Residential Single Family with a minimum lot size of 10,000 square feet (RS-100) and a maximum density of 4 units per acre. RS-100 zoning allows for up to 95 units, a maximum density of 4 units per acre. In light of the City's comprehensive goals and the Properties proximity to transportation corridors, the applicant is seeking zoning categories that permit a higher density. If successful, the rezone would allow the proposed 135 units, an average gross density of 6.2 units per acre.

Generally, the proposal locates low density housing types adjacent to the single-family neighborhood that exists along 19th Street. These are single family units on lots of 7,000-8,000 square feet. Housing types become more dense, in the form of zero lot line units and duplexes, on the west side of the property adjacent to the Guide Meridian.

Refer to the Technical Review Committee report on the rezoning application for staff comments on this proposal.

Parking Requirements: Proposal demonstrates compliance with minimum parking requirements per LMC 19.29.060(C) and driveway lengths. Additionally, the proposal includes on-street parking on both sides of right-of-ways which are 60 feet wide and one side of right-of-ways 50 feet wide consistent with LMC 19.29.060(E). See staff comment below regarding a request for an on-street parking graphic.

Pedestrian Connections: As noted in 19.29.060(6), in addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including paved pathways to front doors, and trails within or adjacent to open space areas. The proposal provides these connections and shows sensitivity to the City of Lynden's long range trail plan.

Open Space Standards: An MPRD shall set aside a minimum of seven and one-half percent (7.5%) of the gross land area or 4,000 square feet, whichever is greater, for active recreational uses. The proposal has indicated that area reserved for open space equals 18.3%. Be advised that to comply with LMC 19.29 open space shall require a recorded deed restriction or restrictive covenant which runs with the land and assures that said property will remain in open space in perpetuity, consistent with the terms of this chapter, and which shall be held and maintained for such purposes for the common benefit of residents of the development by a homeowner's association.

A minimum of 30% of the required open space shall be suitable for active recreational purposes. The proposal indicates that the reserved open space will be suitable for active recreational purposed and has proposed pedestrian access points to these areas.

Specific Project Comments from the Technical Review Committee:

The application was reviewed against the applicable chapters of the LMC and the Engineering Design and Development Standards and the comments generated have been included below.

Applicant Response Required: Applicant will be required to provide written responses to each staff comment below. Advisory comments should be acknowledged or confirmed.

Planning and Development

1. Approval Process: Be advised, if approved, the proposed concept for the Lionsgate MPRD will be required to return to the Planning Commission within the setting of a public hearing to finalize the design standards and development agreement associated with the plan. The neighborhoods CC&R's will also be reviewed during this process.

Applicant's Response: Noted. CC&R's will be prepared and provided at that time.

2. Critical Areas: The western property line of the development is impacted by a fish-bearing waterway that runs parallel with the Guide Meridian. The proposed neighborhood design indicates a buffer reduction to this waterway from 100 feet to 50 feet. LMC 16.16.380(H) allows for the reduction of buffer widths under specific criteria. This includes the criteria that the buffer cannot be reduced by more than 75%. LMC 16.16.380(I) allows for a 50% reduction but only when buffer averaging is used. It appears that meeting critical area code requirements in this area of the development will require a revision to the site layout. Please revise accordingly.

Applicant's Response: We have revised the site layout to accommodate the required buffer. The revised site plan was submitted to the City on April 24,2020. Lot lines in the future development may be further adjusted to accommodate the necessary buffer.

3. Minimum Lot Size and Architectural Variety: Per LMC 19.29.060(I) the minimum lot size for single family homes within a PRD is 5,000 square feet. The application proposes a deviation from this standard and addresses the associated criteria in the application package. Staff acknowledges that applicant has provided exterior architectural examples of single-family homes and duplexes / zero lot line homes. Please identify which of these could utilize lots as small as 3,000 square feet. Additionally, please address how architectural variety will be introduced on these more compact sites. Staff may subsequently

recommend that the future development agreement and CC&Rs create standards which would require architectural variety within the development.

Applicant's Response: We plan to include future architectural controls which will be developed through the CC&R's. The architectural renderings are examples and were provided to give an idea of what the homes could look like. A home on a 3,000 square foot lot would look similar to the examples provided, but would be narrower and would include similar modulation, material changes, and architectural features such as dormers to provide streetscape variety.

- 4. Garage Elevations: The residential design standards described in LMC 19.22.030(D)(2) limit the percentage of building elevation that can be occupied by garage doors to no more than 60% of the street elevation. Be advised, this standard will apply to the home proposed within the Lionsgate PRD unless an alternate design standard is a proposed and approved in the development agreement.

Applicant's Response: Noted.

- 5. Residential Design Standards: Be advised, the homes proposed within the MPRD will be subject to the design standards of LMC 19.22. These also include articulations on building elevations that face toward public streets or shared green spaces, exterior finish details, porches and stoops, and the screening of mechanical equipment. Staff recommends these standards be reviewed in detail to ensure compliance with these standards will be achievable within the proposed MPRD.

Applicant's Response: Noted.

- 6. Garage Forward Design: Be advised, per residential design standards of LMC 19.22, both attached and detached garages shall not extend forward of the home's living space by more than 12 feet.

Applicant's Response: Noted.

- 7. On-Street Parking: Staff anticipates that the issue of on-street parking will be discussed during the public hearing portion of review. Please provide a graphic which shows the areas of the development where on-street parking will be permitted and if parking will be available on one or both sides of the street.

Applicant's Response: Please see the Parking Plan included with this response and with our application. The Parking Plan noted on-street parking locations. Some rights-of-way are proposed with parking on one side and some rights-of-way are proposed with parking on both sides. The only right-of-way that does not provide street parking is the

primary road into the project from Main Street, as plantings and street trees will be provided in the median. Examples of this were provided to the City on April 24, 2020.

8. Alley Loaded Residential Development: Staff is supportive of some alley-loaded residences as it creates a streetscape that is more pedestrian friendly (no driveway cuts, the inclusion of front porches, etc). Planning staff recommends that the proposed alleys within the development be maintained as common area under private ownership. Additionally, these items should be addressed in the development agreement and CC&R document:
- Minimum pavement width.
 - Minimum setback of fences, structures, shrubs and trees which will facilitate the requirement for 24 feet clear as indicated by the Public Works Department.
 - A “no parking” condition and associated signs within the alleys.
 - Garbage pick-up and container storage.

Applicant’s Response: Noted. These specifications for alley requirements will be addressed in the CC&R’s.

9. Area Break-down: Whatcom County and the City of Lynden have been mandated to participate in an annual report provided to the State which tracks achieved housing density. In an effort to track accurate data for this program all plats and lot line adjustments will be required to provide supporting data. Please provide on the face of the drawing a table which breaks down the total area of the plat drawing after the lot line adjustment into the categories shown below. Note that in some instances the area may be zero and that “other infrastructure” could refer to area used for sewer pump station, stormwater ponds, etc.

	Plat Area (in sq ft)
Gross plat area	
Reserve tracts	
Critical areas (including buffers)	
Right of ways (ROWs)	
Other infrastructure	

Net developable	
Percent ROW and Infrastructure	%

Applicant’s Response: This breakdown will be provided on the face of the proposed plat.

- 10. Lot Design-Frontage: In the future development agreement, please address standards for minimum frontage requirements for residential lots.

Applicant’s Response: Noted. This will be provided in the CC&R’s.

- 11. Utility Easements: Per 18.14.075, of the LMC requires 5-foot utility easements around the interior property line of all residential lots. If a deviation to this requirement is requested, it must be included in the future development agreement.

Applicant’s Response: Noted. Utility easements around the interior property lines will be provided.

- 12. Street Trees: Be advised, per Sec. 18.14.120, the developer will be required to provide street trees within the dedicated public utility easement adjacent to the street, preferably between the curb and the sidewalk. Without blocking view triangles, there shall be a minimum of one tree per lot with a maximum of fifty feet between trees. Maintenance of street trees shall be the responsibility of the adjoining property owner.

Applicant’s Response: Street trees will be provided. These will be maintained by adjacent property owners.

- 13. Homeowners Association Required: Be advised, per LMC 19.29.130 the MPRD shall have a homeowner’s association and enforceable covenant to fund and effectively collect fund for such and organization. Associated agreements and covenants shall apply to all the property with the PRD, shall be recorded and shall run with land. Within one year of preliminary approval the final development contract and the community’s covenants, conditions and restrictions (CC&R’s) must be presented to the Planning Commission for review and City council for approval. CC&R’s must include a management plan for common open space, trails, alleys, mitigated areas, and conservations easements if utilized.

Applicant’s Response: A homeowner’s association will be established and CC&R’s will be recorded with the future plat. The CC&R’s will be provided to Planning Commission and City Council for review prior to recording.

Public Works

- 14. Public Improvements: Be advised, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards or an equivalent approved through the Planned Residential Development process.

Applicant’s Response: Noted.

- 15. Plat/Interior Street Improvements: If the applicant proposes an alternate frontage improvement plan different than City standard for approval it must provide adequate turn-around within public right-of-way and address the needs of the proposed development (ex. parking, life safety, delivery, waste collection etc.) Any proposed alley shall be private with a minimum clear width of 24-feet.

Applicant’s Response: Noted. All frontage improvements and public rights-of-way will meet parking, life safety, delivery, and waste collection requirements.

- 16. Off-site Street Improvements: Proponents traffic study must address all phases/impacts of the proposed project. Traffic study must meet requirements of City standards. Additional right-of-way may be needed to address west bound right turn movements.

Applicant’s Response: Noted. We will provide a traffic study that meets City standards.

- 17. Stormwater
 - a. A stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. This must also address any impacts from seasonal high groundwater. The area experiences overland water flow from the north. The developed areas shall be raised, or other approved methods submitted for approval to prevent future drainage issues. An interception ditch along the north property line conveying flows to the Guide Meridian (SR-539) ditch is needed. An erosion control plan must be included in the drainage plan and construction plans as necessary.

- b. All plans must be designed and constructed in compliance with the Department of Ecology's Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards.
- c. Stormwater from public streets may be infiltrated within the dedicated right-of-way, or within a separate dedicated tract, if approved/accepted by the City, but may not be within the street prism. Infiltration areas and street trees should have adequate separation to insure the proper functioning of the drainage system and survival of the tree.
- d. A Construction National Pollutant Discharge Elimination System (NPDES) permit may be needed.
- e. The Guide Meridian Ditch is considered Fish Barring by WDFW and a buffer of the proposed 50 feet may not meet their standards.
- f. Proposed lot sizes may make it difficult for any form of onsite facilities to be installed on the lots.

Applicant's Response: Noted. A stormwater management plan, which takes into account seasonal groundwater, will be prepared by a professional engineer. An erosion control plan will be included in the plan set. A NPDES permit will be acquired. We will coordinate with WDFW to provide the necessary buffer from the Guide Meridian Ditch.

18. Water

- a. As per 6.2 (M) of the City of Lynden Project Manual for Engineering Design and Development Standards.
- b. As per LMC 18.14.150, the main water line shall be extended to the furthest extent of all properties of this PRD unless it is determined that services, including life-safety are adequately provided elsewhere.
- c. A 20-foot utility easement is required if only water is located within it. If two public utilities are in an easement the minimum width is 30 feet equally spaced.
- d. Each house and/or unit within this plat must be individually metered. Water meters must be located within the City right-of-way or unit / access easement.

- e. Proposal has more units that was anticipated per water comprehensive plan and will need to be reviewed for impacts that may require offsite improvements.

Applicant’s Response: Noted. The water main line will be extended to the furthest extent of all properties. All necessary easements will be provided. Units will be individually metered.

19. Sanitary Sewer

- a. Sanitary sewer and water system design and construction must meet the requirements of the City of Lynden Engineering Design and Development Standards.
- b. The sewer line must be extended to the furthest extend of all properties per City development standards of the proposed development unless it is determined that services are adequately provided elsewhere.
- c. A sewer easement of 20 feet is required for all public systems. If more than one public utility is within the easement the easement shall be 30 feet.
- d. Proposal has more units that was anticipated per sewer comprehensive plan and will need to be reviewed for impacts that may require offsite improvements.

Applicant’s Response: Noted. The sewer and water system design will meet City of Lynden standards. All necessary easements will be provided.

Fire and Life Safety

- 20. Hydrant Requirements: The installation of fire hydrants will be required. Code requires that fire hydrants be installed at intervals not to exceed 500-feet in single family areas and 300-feet in multi-family areas. The final hydrant location will be determined upon review of civil plans and must be approved by the Fire Department.

Applicant’s Response: Noted. Fire hydrants will be shown on the civil plans.

- 21. Street Addressing: Addresses that cannot be seen from the city street must be posted at both the access easement and on the house.

Applicant’s Response: Noted. Addresses will be visible from the city street.

22. Fire Code: Future Development will require full compliance with the Fire Code.

Applicant's Response: Noted.

23. Fire Impact Fees: Be advised, half of fire impact fees will be due at the time of final development approval (subdivision and half of the fire impact fee will be due at the time of building permit. The current rate of this fee is \$389.00 per multi-family unit and \$517.00 per single family home.

Applicant's Response: Noted.

Parks and Recreation

24. Trail Dedication: Be advised, dedication of a public trail easement or the granting of public access on trails through an associated restrictive covenant will be required as a condition of the final Master Planned Residential Development approval.

Applicant's Response: Noted. We will provide an easement or the trail will be included in the covenants.

25. Park Impact Fees: Be advised, park impact fees will be due at the time of permit. The current rate of this fee is \$546.00 per multi-family unit and \$936.00 for single family home.

Applicant's Response: Noted.

Advisory Requirements

26. Civil Drawings: The construction drawings for any civil and utility improvements must be submitted for review and approval prior to construction. These drawing must illustrate that the utility improvements and extensions meet the standards listed within the Project Manual for Engineering Design and Development Standards, unless they have been specifically varied by the approval of the plat. It is the project engineer's responsibility to be aware of these standards.

Applicant's Response: Noted.

27. Civil Review Deposit Required: Be advised, a review deposit of \$200 per lot, \$2,000 minimum, to review the construction plans and a plat / PRD construction inspection deposit of \$350 per lot, \$5,000 minimum, is due prior to review and construction respectively.

Applicant's Response: Noted.

- 28. Bonding Requirements: A post construction maintenance bond in the amount of 10% of the construction costs for public facilities will be required prior to final plat approval.

Applicant's Response: Noted.

- 29. Surveying: All surveying work and engineering design must be based on the City of Lynden survey control monuments. AutoCAD files for all improvements must be provided to the City in digital format approved by the City. A copy of the City's control monuments is available to the project consultant for their use.

Applicant's Response: Noted.

- 30. Expiration of Preliminary Approval: Petitioner shall record the final subdivision, PRD and Development Agreement with the County in conformance with LMC 18.06.010.2, 18.06.020 and 18.06.030 within five (5) years of the date this preliminary approval becomes final, after which City approval of this application shall become void; provided that, this one year deadline may be extended for up to one (1) additional year upon application to and approval by the City Council.

Applicant's Response: Noted.

- 31. Property Addressing: Be advised, all street addressing must follow the requirements of the Lynden Municipal Code. Addresses will be assigned by the Public Works Department prior to final PRD approval.

Applicant's Response: Noted.

- c. A sewer easement of 20 feet is required for all public systems. If more than one public utility is within the easement the easement shall be 30 feet.
- d. Proposal has more units that was anticipated per sewer comprehensive plan and will need to be reviewed for impacts that may require offsite improvements.

Fire and Life Safety

- 20. Hydrant Requirements: The installation of fire hydrants will be required. Code requires that fire hydrants be installed at intervals not to exceed 500-feet in single family areas and 300-feet in multi-family areas. The final hydrant location will be determined upon review of civil plans and must be approved by the Fire Department.
- 21. Street Addressing: Addresses that cannot be seen from the city street must be posted at both the access easement and on the house.
- 22. Fire Code: Future Development will require full compliance with the Fire Code.
- 23. Fire Impact Fees: Be advised, half of fire impact fees will be due at the time of final development approval (subdivision and half of the fire impact fee will be due at the time of building permit. The current rate of this fee is \$389.00 per multi-family unit and \$517.00 per single family home.

Parks and Recreation

- 24. Trail Dedication: Be advised, dedication of a public trail easement or the granting of public access on trails through an associated restrictive covenant will be required as a condition of the final Master Planned Residential Development approval.
- 25. Park Impact Fees: Be advised, park impact fees will be due at the time of permit. The current rate of this fee is \$546.00 per multi-family unit and \$936.00 for single family home.

Advisory Requirements

- 26. Civil Drawings: The construction drawings for any civil and utility improvements must be submitted for review and approval prior to construction. These drawing must illustrate that the utility improvements and extensions meet the standards listed within the Project Manual for Engineering Design and Development

Standards, unless they have been specifically varied by the approval of the plat. It is the project engineer's responsibility to be aware of these standards.

- 27. Civil Review Deposit Required: Be advised, a review deposit of \$200 per lot, \$2,000 minimum, to review the construction plans and a plat / PRD construction inspection deposit of \$350 per lot, \$5,000 minimum, is due prior to review and construction respectively.
- 28. Bonding Requirements: A post construction maintenance bond in the amount of 10% of the construction costs for public facilities will be required prior to final plat approval.
- 29. Surveying: All surveying work and engineering design must be based on the City of Lynden survey control monuments. AutoCAD files for all improvements must be provided to the City in digital format approved by the City. A copy of the City's control monuments is available to the project consultant for their use.
- 30. Expiration of Preliminary Approval: Petitioner shall record the final subdivision, PRD and Development Agreement with the County in conformance with LMC 18.06.010.2, 18.06.020 and 18.06.030 within five (5) years of the date this preliminary approval becomes final, after which City approval of this application shall become void; provided that, this one year deadline may be extended for up to one (1) additional year upon application to and approval by the City Council.
- 31. Property Addressing: Be advised, all street addressing must follow the requirements of the Lynden Municipal Code. Addresses will be assigned by the Public Works Department prior to final PRD approval.

CITY OF LYNDEN
FINDINGS OF FACT AND CONCLUSIONS OF LAW

REGARDING THE APPLICATION OF AVT Consulting on behalf of Mannahouse Church, TO SUBDIVIDE PROPERTY Petitioner	MPRD #20-01 FINDINGS OF FACT, CONCLUSIONS OF LAW, CONDITIONS and DECISION on the Lions Gate MPRD #20-01
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Mannahouse Church, owners of the premises known as:

LOT 1, AS DELINEATED ON CITY BIBLE CHURCH LOT LINE ADJUSTMENT,
ACCORDING TO THE PLAT THEREOF, RECORDED AUGUST 29, 2019 UNDER
AUDITOR’S FILE NUMBER 2019-0803655, RECORDS OF WHATCOM COUNTY,
WASHINGTON.

COMMONLY DESCRIBED AS: 1990 Main Street, Lynden

Has applied for a Master Planned Residential Development requesting to develop approximately 21.83 acres into 110 residential lots (135 units) within the RMD zone. The Lynden Planning Commission held a public hearing on August 13, 2020, and recommended approval to the City Council. Said request having come before the Lynden City Council on September 21, 2020, and the Lynden City Council having fully and duly considered the request, hereby makes the following:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.01 Application. AVT Consulting, LLC, (“Agent”) filed an application for a rezone which was accepted by the City as complete and containing all information required by LMC 17.19.010 on March 10, 2020.

1.02 Location. The property is located at 1990 Main Street, Lynden.

1.03 Ownership. Mannahouse Church is the Property Owner.

1.04 Request. To allow the MPRD / subdivision of property into 135 residential units (110 lots) within the Residential Mixed Density) (RMD) zone.

1.05 Reason for Request. To make effective use of land within the existing city limits where all urban services are available.

1.06 Planning Commission Recommendation. As outlined in Planning Commission Resolution #20-07, the Lynden Planning Commission recommended approval of the Master Planned Residential Development Concept application.

1.07 Conformance with Zoning and Comprehensive Plans. The subdivision of the Property proposed in the application is in conformity with City zoning ordinances, comprehensive plans, and all other applicable City development regulations including Chapter 17.15 LMC.

1.08 Compliance with General Requirements for Subdivision Approval. The application complies with Chapter 18.06 LMC, General Requirements for Subdivision Approval, as applicable.

1.09 Compliance with Lot and Plat Design Standards. The application complies with lot and plat design standards as required under Chapter 18.14 LMC, as applicable.

1.10 Compliance with Project Manual for Engineering Design and Development Standards. The application complies with the development standards and requirements set forth in Title 18 LMC and with the Project Manual for Engineering Design and Development Standards.

1.11 Appropriate Provisions for Promoting Health, Safety and General Welfare. The application makes appropriate provisions for public health, safety and general welfare.

1.12 Open Spaces, Streets, Roads, Sidewalks and Alleys. The application makes appropriate provisions for public open spaces, roads, streets, sidewalks and alleys.

1.13 Potable Water Supplies, Sanitary Wastes and Drainage Ways. The application makes appropriate provisions for public drainage ways, potable water supplies and sanitary wastes.

1.14 Public Interest. The application results in additional infilling within the City consistent with the City's Comprehensive Plan and the Growth Management Act. The public interest will be served by the approval of the application.

1.15 Critical Area Review. The Critical Area checklist for this project has been submitted and requires no further review.

1.16 SEPA Determination. Environmental review of the proposal has been made under the requirements of WAC 197-11 and a mitigated determination of non-significance has been made.

The foregoing Findings of Fact and Conclusions of Law are not labeled. Those sections which are most properly considered Findings of Fact are hereby designated as such. Those sections which are most properly considered Conclusions of Law are also designated as such. From the foregoing Findings of Fact and Conclusions of Law, the Council establishes the following conditions:

CONDITIONS

Any approval of the Petitioner's application shall be subject to the conditions as listed below:

Lynden Municipal Code (LMC) 19.29 guides the development standards and criteria for approval for Master Planned Residential Developments (MPRDs). The Lions Gate proposal appears to meet the following requirements consistent with the LMC:

Intent: The primary purpose of a Master Planned Residential Development (MPRD) is to promote creativity in site layout and design by allowing flexibility in the application of the standard zoning requirements and development standards.

The overall intent of the Lions Gate MPRD appears mostly consistent with the purpose of Planned Residential Developments as outlined in LMC 19.29.010. Provisions for critical areas should be strengthened. See staff comments below regarding this issue.

Generally, the project provides a desirable mix of housing types. This facilitates a variety not typically available under conventional zoning methods and serves to meet the housing needs of the Lynden community. This is consistent with the Lynden Municipal Code but also the goals identified in Chapter 1.6.2 of the City of Lynden Comprehensive Plan.

Unit Density: Running concurrently with the MPRD is a request for a site-specific rezone. The current zoning of the property is Residential Single Family with a minimum lot size of 10,000 square feet (RS-100) and a maximum density of 4 units per acre. RS-100 zoning allows for up to 95 units, a maximum density of 4 units per acre. In light of the City's comprehensive goals and the Properties proximity to transportation corridors, the applicant is seeking zoning categories that permit a higher density. If successful, the rezone would allow the proposed 135 units, an average gross density of 6.2 units per acre.

Generally, the proposal locates low density housing types adjacent to the single-family neighborhood that exists along 19th Street. These are single family units on lots of 7,000-8,000 square feet. Housing types become more dense, in the form of zero lot line units and duplexes, on the west side of the property adjacent to the Guide Meridian.

Parking Requirements: Proposal demonstrates compliance with minimum parking requirements per LMC 19.29.060(C) and driveway lengths. Additionally, the proposal includes on-street parking on both sides of right-of-ways which are 60 feet wide and one side of right-of-ways 50 feet wide consistent with LMC 19.29.060(E). See staff comment below regarding a request for an on-street parking graphic.

Pedestrian Connections: As noted in 19.29.060(6), in addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including paved pathways to front doors, and trails within or adjacent to open space areas. The proposal provides these connections and shows sensitivity to the City of Lynden's long range trail plan.

Open Space Standards: An MPRD shall set aside a minimum of seven and one-half percent (7.5%) of the gross land area or 4,000 square feet, whichever is greater, for active recreational uses. The proposal has indicated that area reserved for open space equals 18.3%. Be advised that to comply with LMC 19.29 open space shall require a recorded deed restriction or restrictive covenant which runs with the land and assures that said property will remain in open space in perpetuity, consistent with the terms of this chapter, and which shall be held and maintained for such purposes for the common benefit of residents of the development by a homeowner's association.

A minimum of 30% of the required open space shall be suitable for active recreational purposes. The proposal indicates that the reserved open space will be suitable for active recreational purposed and has proposed pedestrian access points to these areas.

Specific Project Comments from the Technical Review Committee:

The application was reviewed against the applicable chapters of the LMC and the Engineering Design and Development Standards and the comments generated have been included below.

Applicant Response Required: Applicant will be required to provide written responses to each staff comment below. Advisory comments should be acknowledged or confirmed.

Planning and Development

1. Approval Process: Be advised, if approved, the proposed concept for the Lionsgate MPRD will be required to return to the Planning Commission within the setting of a public hearing to finalize the design standards and development agreement associated with the plan. The neighborhoods CC&R's will also be reviewed during this process.

2. Critical Areas: The western property line of the development is impacted by a fish-bearing waterway that runs parallel with the Guide Meridian. The proposed neighborhood design notes the buffer associated with this waterway. Standard buffer for this time of waterway is 100 feet. However, buffer reductions and averaging are opportunities that the Lynden Municipal Code provides with appropriate mitigation under specific criteria. The revised site plan notes compliance with LMC 16.16.380. Be advised, details of the buffer and mitigation must be addressed through the phase SEPA review and associated critical areas report prior to the second public meeting with the Planning Commission on the Planned Residential Development.

3. Minimum Lot Size and Architectural Variety: Per LMC 19.29.060(I) the minimum lot size for single family homes within a PRD is 5,000 square feet. The application proposes a deviation from this standard and addresses the associated criteria in the application package. Staff acknowledges that applicant has provided exterior architectural examples of single-family homes and

duplexes / zero lot line homes. Please identify which of these could utilize lots as small as 3,000 square feet. Additionally, please address how architectural variety will be introduced on these more compact sites. Staff will subsequently recommend that the future development agreement and CC&Rs create standards which would require architectural variety within the development.

4. Garage Elevations: The residential design standards described in LMC 19.22.030(D)(2) limit the percentage of building elevation that can be occupied by garage doors to no more than 60% of the street elevation. Be advised, this standard will apply to the home proposed within the Lionsgate PRD unless an alternate design standard is a proposed and approved in the development agreement.
5. Residential Design Standards: Be advised, the homes proposed within the MPRD will be subject to the design standards of LMC 19.22. These also include articulations on building elevations that face toward public streets or shared green spaces, exterior finish details, porches and stoops, and the screening of mechanical equipment. Staff recommends these standards be reviewed in detail to ensure compliance with these standards will be achievable within the proposed MPRD.
6. Garage Forward Design: Be advised, per residential design standards of LMC 19.22, both attached and detached garages shall not extend forward of the home's living space by more than 12 feet.
7. On-Street Parking: Staff acknowledges that the applicant has provided a graphic which shows the areas of the development where on-street parking will be permitted and if parking will be available on one or both sides of the street.
8. Alley Loaded Residential Development: Staff is supportive of some alley-loaded residences as it creates a streetscape that is more pedestrian friendly (no driveway cuts, the inclusion of front porches, etc). Planning staff recommends that the proposed alleys within the development be maintained as common area under private ownership. Additionally, these items should be addressed in the development agreement and CC&R document:
 - Minimum pavement width.
 - Minimum setback of fences, structures, shrubs and trees which will facilitate the requirement for 24 feet clear as indicated by the Public Works Department.
 - A "no parking" condition and associated signs within the alleys.
 - Garbage pick-up and container storage.
9. Area Break-down: Whatcom County and the City of Lynden have been mandated to participate in an annual report provided to the State which tracks achieved housing density. In an effort to track accurate data for this program all plats and lot line adjustments will be required to provide supporting data. Please

provide on the face of the drawing a table which breaks down the total area of the plat drawing after the lot line adjustment into the categories shown below. Note that in some instances the area may be zero and that “other infrastructure” could refer to area used for sewer pump station, stormwater ponds, etc.

	Plat Area (in sq ft)
Gross plat area	
Reserve tracts	
Critical areas (including buffers)	
Right of ways (ROWs)	
Other infrastructure	
Net developable	
Percent ROW and Infrastructure	%

10. Lot Design-Frontage: In the future development agreement, please address standards for minimum frontage requirements for residential lots.
11. Utility Easements: Per 18.14.075, of the LMC requires 5-foot utility easements around the interior property line of all residential lots. If a deviation to this requirement is requested, it must be included in the future development agreement.
12. Street Trees: Be advised, per Sec. 18.14.120, the developer will be required to provide street trees within the dedicated public utility easement adjacent to the street, preferably between the curb and the sidewalk. Without blocking view triangles, there shall be a minimum of one tree per lot with a maximum of fifty feet between trees. Maintenance of street trees shall be the responsibility of the adjoining property owner.
13. Homeowners Association Required: Be advised, per LMC 19.29.130 the MPRD shall have a homeowner’s association and enforceable covenant to fund and effectively collect fund for such and organization. Associated agreements and covenants shall apply to all the property with the PRD, shall be recorded and shall run with land. Within one year of preliminary approval the final development contract and the community’s covenants, conditions and restrictions (CC&R’s) must be presented to the Planning Commission for review and City council for approval. CC&R’s must include a management plan for common open space, trails, alleys, mitigated areas, and conservations easements if utilized.

Public Works

- 14. Public Improvements: Be advised, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards or an equivalent approved through the Planned Residential Development process.

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- 16. Off-site Street Improvements: Proponents traffic study must address all phases/impacts of the proposed project. Traffic study must meet requirements of City standards. Additional right-of-way may be needed to address west bound right turn movements.

- 17. Stormwater
 - a. A stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. This must also address any impacts from seasonal high groundwater. The area experiences overland water flow from the north. The developed areas shall be raised, or other approved methods submitted for approval to prevent future drainage issues. An interception ditch along the north property line conveying flows to the Guide Meridian (SR-539) ditch is needed. An erosion control plan must be included in the drainage plan and construction plans as necessary.

 - b. All plans must be designed and constructed in compliance with the Department of Ecology’s Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards.

 - c. Stormwater from public streets may be infiltrated within the dedicated right-of-way, or within a separate dedicated tract, if approved/accepted by the City, but may not be within the street prism. Infiltration areas and street trees should have adequate separation to insure the proper functioning of the drainage system and survival of the tree.

 - d. A Construction National Pollutant Discharge Elimination System (NPDES) permit may be needed.

 - e. The Guide Meridian Ditch is considered Fish Barring by WDFW and a buffer of the proposed 50 feet may not meet their standards.

- f. Proposed lot sizes may make it difficult for any form of onsite facilities to be installed on the lots.

18. Water

- a. As per 6.2 (M) of the City of Lynden Project Manual for Engineering Design and Development Standards.
- b. As per LMC 18.14.150, the main water line shall be extended to the furthest extent of all properties of this PRD unless it is determined that services, including life-safety are adequately provided elsewhere.
- c. A 20-foot utility easement is required if only water is located within it. If two public utilities are in an easement the minimum width is 30 feet equally spaced.
- d. Each house and/or unit within this plat must be individually metered. Water meters must be located within the City right-of-way or unit / access easement.
- e. Proposal has more units that was anticipated per water comprehensive plan and will need to be reviewed for impacts that may require offsite improvements.

19. Sanitary Sewer

- a. Sanitary sewer and water system design and construction must meet the requirements of the City of Lynden Engineering Design and Development Standards.
- b. The sewer line must be extended to the furthest extend of all properties per City development standards of the proposed development unless it is determined that services are adequately provided elsewhere.
- c. A sewer easement of 20 feet is required for all public systems. If more than one public utility is within the easement the easement shall be 30 feet.
- d. Proposal has more units that was anticipated per sewer comprehensive plan and will need to be reviewed for impacts that may require offsite improvements.

Fire and Life Safety

- 20. Hydrant Requirements: The installation of fire hydrants will be required. Code requires that fire hydrants be installed at intervals not to exceed 500-feet in single family areas and 300-feet in multi-family areas. The final hydrant location will be determined upon review of civil plans and must be approved by the Fire Department.

21. Street Addressing: Addresses that cannot be seen from the city street must be posted at both the access easement and on the house.
22. Fire Code: Future Development will require full compliance with the Fire Code.
23. Fire Impact Fees: Be advised, half of fire impact fees will be due at the time of final development approval (subdivision and half of the fire impact fee will be due at the time of building permit. The current rate of this fee is \$389.00 per multi-family unit and \$517.00 per single family home.

Parks and Recreation

24. Trail Dedication: Be advised, dedication of a public trail easement or the granting of public access on trails through an associated restrictive covenant will be required as a condition of the final Master Planned Residential Development approval.
25. Park Impact Fees: Be advised, park impact fees will be due at the time of permit. The current rate of this fee is \$546.00 per multi-family unit and \$936.00 for single family home.

Advisory Requirements

26. Civil Drawings: The construction drawings for any civil and utility improvements must be submitted for review and approval prior to construction. These drawing must illustrate that the utility improvements and extensions meet the standards listed within the Project Manual for Engineering Design and Development Standards, unless they have been specifically varied by the approval of the plat. It is the project engineer's responsibility to be aware of these standards.
27. Civil Review Deposit Required: Be advised, a review deposit of \$200 per lot, \$2,000 minimum, to review the construction plans and a plat / PRD construction inspection deposit of \$350 per lot, \$5,000 minimum, is due prior to review and construction respectively.
28. Bonding Requirements: A post construction maintenance bond in the amount of 10% of the construction costs for public facilities will be required prior to final plat approval.
29. Surveying: All surveying work and engineering design must be based on the City of Lynden survey control monuments. AutoCAD files for all improvements must be provided to the City in digital format approved by the City. A copy of the City's control monuments is available to the project consultant for their use.
30. Expiration of Preliminary Approval: Petitioner shall record the final subdivision, PRD and Development Agreement with the County in conformance with LMC 18.06.010.2, 18.06.020 and 18.06.030 within five (5) years of the date this

preliminary approval becomes final, after which City approval of this application shall become void; provided that, this one year deadline may be extended for up to one (1) additional year upon application to and approval by the City Council.

- 31. Property Addressing: Be advised, all street addressing must follow the requirements of the Lynden Municipal Code. Addresses will be assigned by the Public Works Department prior to final PRD approval.

II. DECISION

Petitioner’s application to subdivide the parcel described herein into 110 lots (135 units) known as the “Lions Gate MPRD”, for future development is hereby **Preliminarily Approved** subject to the conditions set forth in this document.

DATED: _____

Scott Korthuis
Mayor

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	September 21, 2020	
Name of Agenda Item:	Terminate Agreement with YMCA	
Section of Agenda:	New Business	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Parks <input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Other: None	Legal Review: <input type="checkbox"/> Yes - Reviewed <input checked="" type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:	Termination Agreement	
Summary Statement:	<p>The Whatcom Family YMCA has operated the Lynden Recreation Center since 1997. It closed the facility March 17, 2020 due to issues arising from the COVID pandemic. The City is in the process of identifying a successor agency that can operate the facility into the future.</p> <p>The original Lease Agreement with the YMCA would terminate the agreement December 31, 2020. The City wishes to terminate the Agreement Oct. 1, 2020 because doing so will help facilitate transferring management of the facility to a new operator. Staff has contacted the YMCA and confirmed that the agency supports terminating the Agreement Oct. 1.</p>	
Recommended Action:	Approve termination of the Lease Agreement with the Whatcom Family YMCA.	

**TERMINATION OF
LEASE
of
RECREATIONAL FACILITY**

THIS TERMINATION OF LEASE OF RECREATIONAL FACILITY (“Termination Agreement”) is made this _____ day of _____, 20__ by and between **the City of Lynden**, a municipal corporation (“Lessor”), and **the Whatcom Family YMCA**, a nonprofit corporation (“Lessee”).

WHEREAS, on February 18, 1997, Lessor and Lessee entered into the Lease of Recreational Facility (“Lease”), by which Lessee would rent the property located at 100 Drayton Street, Lynden, WA (“Premises”) from Lessor for one dollar (\$1.00) per year; and

WHEREAS, pursuant to Section 2 thereof, the Lease automatically renews annually unless one hundred twenty (120) days’ termination notice is provided by Lessor or Lessee prior to the end of the year, in which case the Lease terminates on December 31st of that year; and

WHEREAS, the Lessor has previously provided timely notice to Lessee to terminate the Lease on December 31, 2020; and

WHEREAS, notwithstanding the foregoing, Lessor and Lessee have agreed to mutually terminate the Lease effective October 1, 2020; and

WHEREAS, the foregoing recitals are a material part of this Agreement;

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. The Lease shall terminate on October 1, 2020 (“Termination Date”).
2. Lessor shall have the right to reenter the Premises on the Termination Date.
3. Lessee will vacate the Premises on or before the Termination Date, leaving it in good condition less ordinary wear and tear.
4. All personal property of Lessee or its effects of any kind or description whatsoever left on or about the Premises after the Termination Date shall be at Lessee’s sole risk and Lessor shall not be liable or responsible for any damage done to or loss of such personal property or effects.
5. All other terms of the Lease remain in full force and effect until the Termination Date.

IN WITNESS WHEREOF, the parties have executed this Addendum on the date above written.

City of Lynden

Whatcom Family YMCA

By: _____
Its: _____

By: _____
Its: _____

STATE OF WASHINGTON)
) §
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person is the _____ and acknowledged that s/he signed this instrument, freely and voluntarily, on behalf of the CITY OF LYNDEN for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 20__.

Print Name: _____
NOTARY PUBLIC in and for the State of Washington.
My commission expires _____.

STATE OF WASHINGTON)
) §
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person is the _____ and acknowledged that s/he signed this instrument, freely and voluntarily, on behalf of WHATCOM FAMILY YMCA for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 20__.

Print Name: _____
NOTARY PUBLIC in and for the State of Washington.
My commission expires _____.

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	September 21, 2020	
Name of Agenda Item:	Short Term Lease- "Let's Pool Together"	
Section of Agenda:	New Business	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Parks <input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Other: None	Legal Review: <input type="checkbox"/> Yes - Reviewed <input checked="" type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:	Lease	
Summary Statement:	<p>Staff would like Council to consider a short-term lease with "Let's Pool Together" which is an affiliate of the Bellingham Bay Swim Club.</p> <p>In brief; the lease agreement would give the Club access to the pool in the Lynden Recreation Center in exchange for providing public access. In the beginning this access would be limited to water aerobics on weekdays only. If there is sufficient demand, pool hours could be expanded and include other uses, such as lap and recreational swimming.</p> <p>To accomplish this, the Swim Club would provide the staff to run the programs, insurance and water testing. It would also be responsible for ensuring all activities comply with Phase 2 COVID restrictions.</p>	
Recommended Action:	Approval of short-term lease for "Let's Pool Together" and authorize the mayor to sign.	

INTERIM POOL-OPERATION AGREEMENT

THIS INTERIM POOL-OPERATION AGREEMENT (“Agreement”) is made this _____ day of _____, 20____ by and between the **CITY OF LYNDEN**, a Washington municipal corporation (“City”), and the **BELLINGHAM BAY SWIM TEAM**, a Washington nonprofit corporation (“BBST”). City and BBST may be referred to herein individually as “Party” or collectively as “Parties.”

WHEREAS, City’s agreement with the Whatcom Family YMCA to operate City’s recreational facility located at 100 Drayton Street, Lynden, Washington (“Premises”) will terminate on October 1, 2020; and

WHEREAS, City is in the process of selecting a long-term operator of the Premises, but desires to operate the Lynden Pool (“Pool”) located on the Premises in the interim period in order to provide aquatic recreational services to the general public; and

WHEREAS, BBST desires to use the Pool and, in exchange for access to and the right to use the same, is agreeable to serving as the interim operator of the Pool on behalf of City until City secures a long-term operator; and

WHEREAS, City anticipates a start date of October 5, 2020 for interim operation of Pool for the benefit of the public;

WHEREAS, City and BBST are cognizant that this Agreement is entered into during an ongoing public health emergency posed by the COVID-19 global pandemic; and

WHEREAS, while the purpose of this Agreement is to establish the initial terms of the arrangement between the Parties, these terms will likely need to evolve in response to what is feasible and/or required under these unique public health circumstances and, consequently, the Parties understand that flexibility between them is crucial; and

WHEREAS, the foregoing recitals are a material part of this Agreement;

NOW THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

1. SWIM TEAM USE. BBST shall enjoy full use and enjoyment of the Pool for its own swim related purposes at all hours it is not open to and being operated for use by individual members of the general public (“Community Users”).

2. COMMUNITY USE. BBST shall operate the Pool on behalf of City for use by all Community Users as follows:

2.1. HOURS. BBST shall open the Pool to Community Users Monday through Friday, 8 a.m. to 12 p.m. These hours may be contracted or expanded from time to time depending upon community demand and capacity to accommodate the same.

- 2.2. SERVICES. BBST shall offer regularly scheduled 50-minute water aerobics classes to Community Users. BBST shall provide both an in-person and online mechanism by which said Community Users may be notified of and sign up for water aerobics lessons. Further, BBST shall provide expanded services, including without limitation lap-swimming and recreational swimming, to Community Users at such times as City deems feasible and desirable.

- 2.3. USER FEES. BBST may collect on behalf of City a facility admission fee of Five Dollars (\$5.00) cash per Community User per entry to Pool. Said fee receipts shall be delivered to City not less than weekly. The City may, at its discretion, waive the fee if certain criteria are met.

- 2.4. STAFFING. BBST shall provide the following staffing services during hours the Pool is open to Community Users (“Community Use Hours”):
 - i. Lifeguards to supervise Community User swimming;
 - ii. Water aerobics instructors to conduct water aerobics lessons;
 - iii. Staff member(s) assigned to handle greeting and check-in/check-out of Community Users;
 - iv. Security staff responsible for opening and closing the Pool and Premises (note: this obligation shall apply equally to Community Use Hours and BBST swim team use hours); and
 - v. Staff member(s) responsible for daily monitoring Pool water quality and ensuring proper chlorination.

- 2.5. OTHER FACILITIES. BBST shall limit access to other facilities on the Premises to use of restrooms. Access to all other facilities by Community Users, including without limitation lockers and showers, shall be prohibited until further notice is received from City.

- 3. COVID-19 COMPLIANCE. BBST shall ensure that the Pool is at all times (whether being operated during Community Use Hours or BBST swim team use hours) operated in compliance with all applicable local, state and federal COVID-19 guidelines.

- 4. CUSTODIAL SERVICES. City shall supply custodial staff and services.

5. CARE OF PREMISES. BBST shall at all times keep and use the portions of the Premises under its operation in accordance with applicable state and local law, and in accordance with all directions, rules and regulations of the health officer, fire marshal, building inspector or other proper officer of City and/or Whatcom County. Further, BBST shall permit no waste, damage or injury to the portions of the Premises under its operation.

6. COMPENSATION AND EXPENSES. In exchange for BBST's use of the Pool for swim team use, BBST shall pay to City the sum of Five Thousand Dollars (\$5,000.00) per month, with the first month prorated, less monthly operating costs incurred by BBST. Each monthly payment shall be delivered to City by the seventh (7th) day of the following month and shall be accompanied by an accounting (for City review and approval) of all expenses deducted from each monthly payment. If the previous month's operating costs exceeded the amount of compensation due to City, BBST shall nevertheless deliver to City, within the above timeframe, an accounting of the previous month's expenses for City review and approval. City shall pay all monthly operating costs (including without limitation utilities charges, taxes, staffing expenses, custodial expenses and maintenance expenses) over Five Thousand Dollars (\$5,000.00) per month, up to a maximum total of Eleven Thousand Dollars (\$11,000.00) per month.

7. INSURANCE. BBST shall purchase, and maintain at its sole cost and expense, comprehensive general liability insurance covering personal injury and property damage in the minimum amount of Two Million Dollars (\$2,000,000.00) aggregate, insuring its operation of the Pool and other facilities on the Premises for BBST swim team use and all Community Users, placed with a reputable and financially strong insurance carrier approved by City. City shall be named as an additional insured on the insurance certificate for said insurance policy, which shall be provided to City prior to the re-opening of the Pool on October 5, 2020. BBST shall maintain an insurance policy in place, as herein described, for so long as this Agreement remains in effect, and shall obtain prior City approval of any changes in said policy or carrier. BBST's failure to comply with any part of these requirements shall be deemed a material breach of this Agreement.

8. HOLD HARMLESS. BBST shall indemnify and hold City, including its successors, assigns, officers, directors, employees, members and agents, harmless from and against any claim, demand, action, proceeding, loss, damage, suit, cost or expense, including but not limited to reasonable attorney's fees and costs, arising from or related in any manner to BBST's use and operation of the Premises, except to the extent caused by City's negligence.

9. DURATION AND TERMINATION WITHOUT CAUSE. This Agreement shall remain in place until terminated as provided herein. The Agreement may be terminated by either Party without cause at any time and for any reason by providing ten (10) business days' prior written notice of intent to terminate. In the event this Agreement is terminated, BBST shall vacate the Premises no later than the effective date of termination.
10. TERMINATION WITH CAUSE. In the event there is a material breach of this Agreement by BBST (for example only and not by way of limitation, if BBST fails to secure or maintain sufficient insurance coverage as required herein), then City may terminate this Agreement immediately upon providing prior written notice of termination to BBST. Upon receipt of said notice, BBST shall immediately and completely vacate the Premises.
11. VACATION OF PREMISES. Whenever the terms of this Agreement require BBST to vacate the Premises, BBST shall leave the Premises in the same condition as obtained at the outset of this Agreement, subject to City's responsibility to provide ordinary custodial services. Upon vacation, all personal property of BBST or its effects of any kind or description whatsoever left on or about the Premises after the Termination Date shall be at BBST's sole risk and City shall not be liable or responsible for any damage done to or loss of such personal property or effects.
12. NONWAIVER OF BREACH. Failure of either Party at any time to require performance of any provision of this Agreement shall not limit such Party's right to enforce such provision, nor shall any waiver of any breach of any provision of this Agreement constitute a waiver of any succeeding breach of such provision or a waiver of such provision itself.
13. ATTORNEY'S FEES. The prevailing party in any action brought to enforce any terms and conditions of this Agreement shall be entitled to the recovery of its reasonable attorney's fees, costs and expenses.
14. GOVERNING LAW AND VENUE. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. Venue shall be Whatcom County Superior Court.
15. SEVERABILITY. In case any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision herein, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

16. COUNTERPARTS. This Agreement may consist of two or more separately ratified counterparts, each of which shall constitute a duplicate original of this Agreement and all of which together will constitute a single Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date above written.

CITY OF LYNDEN

By: Scott Korthuis
Its: Mayor

BELLINGHAM BAY SWIM TEAM

By:
Its:

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this ____ day of _____, 20__, before me a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Scott Korthuis, the Mayor of the **CITY OF LYNDEN**, a Washington municipal corporation, who acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned and stated on oath that he/she was authorized to execute this instrument on behalf of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first written above.

Notary Public in and for the State of Washington
Residing at: _____
My commission expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this ____ day of _____, 20__, before me a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, the _____ of the **BELLINGHAM BAY SWIM TEAM**, a Washington nonprofit corporation, who acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned and stated on oath that he/she was authorized to execute this instrument on behalf of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first written above.

Notary Public in and for the State of Washington
Residing at: _____
My commission expires: _____

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	September 21, 2020	
Name of Agenda Item:	Statement Supporting Equality	
Section of Agenda:	New Business	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Other: None
		Legal Review:
		<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:		
None		
Summary Statement:		
<p>Draft Statement:</p> <p>Lynden’s elected officials take seriously their oath to uphold the laws and Constitution of United States, the State of Washington, and the City of Lynden. We believe we are all created in God’s image and have equal worth and value; as such, every life should be protected and deserves dignity. We affirm that everyone should be allowed to live, learn, worship, raise families and prosper, without regard to race, gender, color or creed. No one should be harassed, intimidated, hurt or hindered in their pursuit of happiness so long as it does not infringe on the happiness or freedom of others. We uphold the personal freedoms and rights guaranteed in the Bill of Rights which allows citizens to express themselves without fear of retribution. As elected officials we desire that all who share these ideals should find Lynden to be a safe and positive place to live and flourish. <i>As we have steadfastly done in the past (added revision)</i> we will remain vigilant to support and undergird the goal of equality in the public square and also encourage each community member to affirm and cultivate harmony in diversity.</p>		
Recommended Action:		
Discussion with possible action.		

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	September 21, 2020	
Name of Agenda Item:	Chalk Art Drawings	
Section of Agenda:	New Business	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Other: None
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	None	
Summary Statement:	There is a request from a resident to create a chalk art drawing on the north west corner of 4 th and liberty, on the sidewalk area adjacent to the library.	
Recommended Action:	Discussion with possible action.	

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	September 21, 2020	
Name of Agenda Item:	Public Safety Draft Minutes- September 3, 2020	
Section of Agenda:	Other Business	
Department:	Police	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Public Safety Draft Minutes- September 3, 2020	
Summary Statement:	Public Safety Draft Minutes- September 3, 2020 attached for review.	
Recommended Action:	For Council review.	

CITY OF LYNDEN

POLICE DEPARTMENT

Steve Taylor, Police Chief

(360) 354-2828



Public Safety Committee Meeting Minutes

Police Department - 203 19th Street

4:00 PM September 03, 2020

Call to Order

Roll Call

Members present: Mayor Scott Korthuis, Councilors Mark Wohlrab and Brent Lenssen

Members absent: Councilor Gerald Kuiken

Staff present: Chief Mark Billmire, Chief Steve Taylor, Lieutenant Jeremy Bos, Lieutenant Russ Martin, Support Services Manager Holly Vega

Approval of Minutes

None

Items from the Audience

None

Committee Items

1. Lynden WATCH Update

Recent posts encouraged citizens to report inappropriate behavior observed at the Rotary Sports Park and surveillance photos of a car prowler suspect.

2. Public Safety Overtime - July 2020

Fire Department overtime comprised mostly of Kelly day and vacation coverage. Police Department overtime comprised mostly of holiday hours, range and firearm qualifications and coverage for protests.

Fire Department Items

3. Station Renovation Update

Chief Billmire advised they are now finalizing the finer details including floor coverings, furniture, etc. They are still looking for a temporary station. Mayor Korthuis brought up the possibility of constructing another building at Public Works to use temporarily for the Fire Dept, and later to be utilized by Public Works. Another option considered was to have a portable building at Station 72; however, the City would need to accommodate for adequate water/sewer utilities.

The current timeline plans to go out for bid by the end of this year, breaking ground in January and final construction at the end of September 2021.

4. Fire Monthly Report - August 2020

Chief Billmire presented the monthly report for August, noting the continued great response time averaging around 4:30 minutes. There were 2 possible COVID patients and a significant barn fire on the Noon Road. A new recruit academy is underway and going really well. Graduates will receive a Firefighter 1 Certificate.

Assistant Chief Hatley was assisting on the Taylor Pond Fire and is now in Portland, expected back tomorrow.

Police Department Items

5. Police Monthly Report - August 2020

Chief Taylor presented the monthly report for August. The 2 new corporals' schedules have been reassigned to night shift to increase the number of hours a supervisor is on duty each day. Speaking on great response times, officers responded to a call involving suspects trying to break into a change machine. Officers arrived while the suspects were still on scene and caught them red handed.

Extra patrol, including plain clothes officers, at the Rotary Sports Park has resulted in several arrests and decreased complaints in the last 2 weeks. Domestic violence calls have remained steady as restrictions are lifting and people are getting back to work. There was a complaint regarding the suspension of fingerprinting and the issuance of new concealed pistol licenses. Chief Taylor will respond to the complainant.

Added Items

6. 5th Medic Unit

Chief Billmire spoke on the status of the 5th medic unit. Station 75 has become a front runner in the proposal, which would be a huge benefit to the community.

7. Statement on Equality

Councilor Lenssen will bring up the statement regarding racial equality at the next council meeting to vote on.

Adjournment

Meeting adjourned at 4:28 p.m.

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	September 21, 2020	
Name of Agenda Item:	Calendar	
Section of Agenda:	Other Business	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: N/A
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Outlook Calendar	
Summary Statement:	See next page.	
Recommended Action:	None	

September 21, 2020
Monday

4:00 PM - 5:00 PM Parks Committee Meeting -- City Hall 1st Floor Large Conference Room

September 22, 2020
Tuesday

8:30 AM - 9:30 AM Leadership Team Meeting -- Annex Council Chamber
Meeting will be at Annex until further notice.

September 23, 2020
Wednesday

All Day Court -- Annex Council Chamber; Annex East Training Room; Annex South East Conference Room; Annex North East Conference Room

9:00 AM - 10:00 AM Check-In Mark/Mike -- Mike's Office

4:00 PM - 6:00 PM Community Development Committee Mtg -- City Hall 2nd Floor Large Conference Room

September 25, 2020
Friday

11:00 AM - 12:00 PM Check0In Heidi/Mike -- Mike's Office

September 28, 2020
Monday

9:00 AM - 10:00 AM Mike/Vern 1/1 -- Mike's Office

September 29, 2020
Tuesday

8:30 AM - 9:30 AM Leadership Team Meeting -- Annex Council Chamber
LT in Annex until further notice.

