

# CITY OF LYNDEN

TECHNICAL REVIEW COMMITTEE  
Conditional Use Permit Application



**APPLICANT RESPONSE JULY 26, 2022 to**  
June 28, 2022

## CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE STAFF REPORT

Re: The application of Puget Sound Energy, for a Conditional Use Permit and Variance(s) Applications.

CUP #22-01 and VAR 22-01, 22-02, and 22-03, Puget Sound Energy  
**FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

### **I. APPLICATION SUMMARY AND RECOMMENDATIONS**

Proposal: The request is for a Conditional Use Permit to allow the expansion and upgrade to the existing Lynden substation to address aging infrastructure, increase reliability, and to address future capacity issues. The application also includes three (3) variance requests:

- 1) Fence Location.
- 2) Fence Height.
- 3) Front Setbacks.

### **IV. TECHNICAL REVIEW COMMITTEE COMMENTS**

#### Planning and Development Department

1. *Application Materials:* Please provide a plan showing the location of the existing walls, fence, gates and driveways of the substation as it relates to the proposed walls, fence, gates and driveways. Label with “to remain”, “to be removed”, and “proposed” so that the scope of the project is clear.

Action Item (PSE) – update design drawings to reflect Lynden’s requests above.

2. *Application Materials:* Provide the referenced drawing D-18381 as noted for the proposed 7’ high station chain link fence.

Emily provided D-18381 drawing to Lynden on 6/30/22.

3. *Application Materials:* Provide landscape Sheets 2 and 3 which are referenced on landscape plan Sheet 1 so that staff can review planting details and the plant schedule consistent with a Type V landscape buffer.

**Commented [HE1]:** Goal is to explain proposed changes as clearly as possible to the Planning Commission and City Council in layman’s terms.

**Commented [HE2]:** PSE has updated the design to reflect proposed changes. D-21033

**Commented [HE3]:** D-18381 provided.

**Commented [HE4]:** Sheets 1 and 2 provided.

Emily provided landscape sheets 2 & 3 to Lynden on 6/30/22.

4. *Site Context and Compatibility:* The application states that the project is not located near any natural or scenic features. Staff disagrees as critical areas are immediately across the street from this location with views of the Nooksack River valley beyond. The use is generally incompatible with the surrounding uses but obviously necessary to provide electrical service to the City of Lynden. The expansion of the conditional use should recognize the conflict associated with a substation in this location. The application should also recognize that the Front Street corridor is popular walking route that connects residential neighborhoods to the City's downtown. The only sidewalk along this corridor passes immediately by the subject substation. Given this context, the applicant is expected to contribute positively to the street frontage at scale that is appropriate to pedestrians.

Emily revised Critical Areas Checklist to Lynden on 6/21/22.

5. *Landscape Buffer and Screening:* Consistent with a condition of approval for the CUP approved in 1999, a Type V landscape buffer must be restored on the north and east property lines. Any plantings that are affected or removed during this expansion must be replaced. In addition, the same landscape screening is recommended on the westerly boundary of the substation. This condition appears to be met on the landscape plan. Please provide plant schedule and planting details on Sheets 2 and 3 of the landscape plan to verify.

Landscape plan sheets 2 and 3 were provided to Lynden on 6/30/22 to answer landscape buffer and screening.

6. *Variance Justification:* The variance request related to wall location states, in response to criteria "B", the "tight constraints within the substation footprint make moving the fence back 3 inches not viable" however, just previous to this, in response to criteria "A", the application states that "PSE owns the adjacent property". Please provide clarification regarding this contradiction.

PSE will need to clarify explanation on why even with the substation footprint expanding to the West why PSE is unable to move the fence along Front Street 3" inches in to meet sidewalk setback code. (i.e. NESC clearance standards between electrical equipment and vehicle access)

\*\*PSE needs Vehicle access along the frontage. Also, around metal clad structures 12-13' clearance.

7. *Walls and Fences:* The application proposes a variety of walls and fence types in a variety of heights. This includes the existing concrete panel walls at 8 feet in height, the proposed concrete panel walls at 10 feet in height, the non-conductive

**Commented [HE5]:** PSE was able to move the concrete panel fence back 3'6" to centerline of fence from the back of concrete sidewalk removing the need for this variance. The wall height was also reduce to 9' to minimize the fluctuation between fence heights around the perimeter of the substation.

Is clarification still needed?

fiberglass/plastic wall at 9 feet in height, and chain link fencing at 7 feet in height. Please provide an explanation as to why this variation of wall and fence types is proposed.

PSE needs to elaborate on why PSE is using different fencing heights and materials. I explained to the best of my ability with the notes Jason provided for the application materials. It was recommended the next TRC review meeting that the Civil Engineer also attend to explain in more detail the need for different fencing heights and materials.

**Commented [HE6]:** Civil engineer is planning on attending the next TRC review meeting to discuss fence types and heights.

Address continuity between non-conductive and concrete paneling fence

8. *Front Street Walls:* Staff does not support the location of the proposed concrete wall along Front Street. City code requires that all fences be setback from City sidewalks a minimum of three feet. This code is applied to all fences even at heights of only 42 inches (the maximum height of a front yard fence). The PSE application proposes a 10 foot wall only 2'-9" from the sidewalk. Staff recommends, that as mitigation for the impact of an extremely tall wall and the proposed Conditional Use, that:
- The proposed wall be setback a minimum of 6 feet from the edge of the sidewalk. PSE stated this proposed action is difficult because of clearances required within the substation footprint and could alter the fence height and material used.
  - That landscape to be established in this area between the sidewalk and the proposed wall. This seems like a reasonable solution to moving fence back 6ft. PSE needs to inquire if possible and provide an answer at the next TRC review meeting. (not possible b/c need it for grounding unless use non-conductive fencing).
  - That a climbing vine such as Duchman's Pipe Vine (*Aristolochia macropphylla*) or Virginia Creeper (*Parthenocissus quinquefolia*) be established on the existing wall – with or without the use of a "green wall" trellis system. Is this even possible? PSE to confirm.
  - That irrigation be installed the full perimeter of the substation. Provide the referenced irrigation plan, D-20899, and sheets 1 and 2 of the landscape plan to verify this requirement. PSE will provide D-20899 drawing referenced in sheets 1 & 2 of the landscape plan. (Verify correct D#)
9. *Front Street Gates:* Gates used on the Front Street frontage should be attractive as well as secure. No specifications or images of the proposed gates were included in the application package. Staff recommends that the proposed gate and the existing gate that are visible from Front Street be similar to those used by Superior Concrete in conjunction with the Superior Concrete Cobblestone wall. Example shown here:



Drive gate for Big Sky, Montana, Substation project, plus Superior Cobblestone™ screening wall from Superior Concrete Products.

PSE will look into front gate options are more attractive than chain link with slats.

**Commented [HE7]:** PSE can look into options. This request is reasonable.

10. *Barbed Wire Fence:* While wire fencing for non-residential uses may be permitted to a height of 12 feet, per LMC 19.63.060(A), barbed wire fencing is not permitted in residential zones. Please revise the application to exclude barbed wire fencing.

PSE conveyed this is a substation design safety standard to keep people and wildlife out of the substation. Lynden is okay with the barbed wire fencing if properly screened with vegetation.

**Commented [HE8]:** PSE has removed the chain link fence and replaced it with 8' high non-conductive fencing at west and north perimeter of the substation and a portion along the east perimeter. Short section will be 9' due to electrical equipment proximity to the fencing.

11. *Fence Heights:* Per LMC 19.63.080 the maximum height for solid fencing / walls for nonresidential uses in a residential zone is 7 feet. The existing wall along Front Street is 8 feet in height. The variance request is to allow a wall height of 10 feet along Front Street and 9 feet along the north and east property lines. The application states that increased fence heights are needed to meet "NESC Criteria in Section 110.A". Staff, and the City's Planning Commission, are not familiar with what NESC stands for or the code reference provided. Please clarify. Additionally, the application is not clear as to why the permitted 7 foot height or existing 8 foot height is not adequate.

**Commented [HE9]:** NESC stands for National Electrical Safety Code  
Article 110 covers the general requirements for the examination and approval, installation and use, access to and spaces about electrical equipment.

NESC stands for the National Electrical Safety Code. Article 110 covers the general requirements for the examination and approval, installation and use, access to and spaces about electrical equipment. PSE further explained the calculations from Article 10 indicates that a 9-ft. non-conductive fencing is required because of electrical equipment's proximity to the property line and near residential developments.

**Commented [HE10]:** Civil engineer plans to attend the next TRC review meeting to clarify fencing heights.

12. *Accessory Structure and Siting Requirements:* After reviewing the proposed site plan, staff can agree that the location of structures within the front setback is consistent with the previously permitted Conditional Use, and the depth of the property limits the applicant's ability to meet front setbacks. Staff can also agree that locating structures within the front setback may not be detrimental to the surrounding properties if it is properly mitigated with screening along Front Street.

13. *Site Lighting:* Any lighting proposed for the site must be glare-free and shielded from the sky and adjacent properties. Please provide a lighting plan and any specifications needed to demonstrate this requirement.

PSE will provide information on site lighting for the substation and where lighting will be located.

Commented [HE11]: Working on getting a lighting site plan for the substation

14. *Driveways:* The proposed driveway from Front Street does not leave adequate space between the sidewalk and the gate. Driveways must be configured so that gates are set back a minimum of 25 feet from inside edge of the sidewalk.

PSE review ability to extend driveway to meet code requirement of 25 ft. Gate is currently 20 ft. from sidewalk.

Commented [HE12]: PSE can meet that criteria

#### Public Works Department

15. *Access Points:* Driveways from public streets shall be paved a minimum of 50 feet from the back of the sidewalk per Section 5.1(F) of the City of Lynden Design and Engineering Standards. Please revise plans to show paved area.

Is PSE able to extend and pave driveway full 50 ft? This would extend into the substation footprint.

Commented [HE13]: PSE can meet that criteria.

16. *Stormwater:* Be advised, if impervious addition require a stormwater management plan prepared by a professional engineer and meeting the requirements of the City's Manual for Engineering Design and Development Standards and the approved Department of Ecology Stormwater Manual is required. This plan must be approved by the City of Lynden prior to final approval of the project plans including proposed fill and grade permit.

PSE is aware that stormwater management plan is needed. The drainage report and SWPPP will be ready with a fill and grade permit by August/September.

Commented [HE14]: September more likely to allow time to answer comments from public hearing.

17. *Civil Review Deposit:* Be advised, there is a review deposit of \$6,000 minimum, to review the civil construction plans, due prior to review and construction respectively.

Puget Sound Energy Conditional Use Permit and Variance Requests – TRC Report

18. *Maintenance Bond*: Be advised, a post construction maintenance bond in the amount of 10% of the construction costs will be required prior to final approval for all work within the City's right-of-way and required landscaping.
19. *Performance Bond*: Be advised, a 150% performance bond is required for all work in the City's right-of-way or on city owned property prior to final approval for all work within the City's right-of-way.
20. *Final Drawings*: Be advised, 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.

Fire Department – The Fire Department had no additional comments on this application

Parks Department – The Fire Department had no comments on this application.

## **I. RECOMMENDATION**

Staff recommendation to be issued after submittal of additional information as requested above and associated plan revision.