

CITY OF LYNDEN



HEARINGS EXAMINER TITLE 19 VARIANCE APPROVAL PROCESS

City of Lynden use only:

VAR # 22-02 Staff Initials: _____

Property Owner

Name: Puget Sound Energy

Address: 131 E. Front Street Lynden, WA 98264

Telephone Number: 360-319-6424 E-mail Address: emily.hagin@pse.com

Applicant (Agent, Land Surveyor or Engineer)

Name: Emily Hagin (PSE)

Address: 1110 Kentucky Street Bellingham, WA 98229

Telephone Number: 360-319-6424 E-mail Address: emily.hagin@pse.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): 131 E. Front Street Lynden, WA 98264

Variance Request:

Section of the Municipal Code to be varied:

LMC19.63.080(A) - Nonresidential zone fences

Identify Desired Result: PSE is requesting to keep and exand 8 ft. existing front concrete paneling fence along E. Front Street and install 9ft. non-conductive fencing along NE property line for safety and additional screening.

Criteria must be attached (19.47.110)

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.

Submitted By: Emily Hagin Date: 5/20/22

Property owner signature: Emily E. Hagin Date: 5/20/22

Property owner printed name: Emily Hagin Date: 5/20/22



400.00 ✓

CITY OF LYNDEN



CRITICAL AREAS CHECKLIST VARIANCE APPROVAL PROCESS

Section: 20 Township: T40N Range: R03E Parcel Number: 4003204443980000

Site Address: 131 E. Front Street Lynden, WA 98264

Proposed Uses: Upgrade and expand existing PSE Lynden Substation

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

Date

LEGAL DESCRIPTION OF PROPERTY (includes Gap area and 6 PSE parcels)

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 3 EAST W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 1 HAWLEY AND LAWRENCES ADDITION TO LYNDEN AS FILED IN VOLUME 1 OF PLATS, PAGE 46, RECORDS OF WHATCOM COUNTY, WASHINGTON;

THENCE SOUTH 66°34'31" WEST ALONG THE NORTHWESTERLY RIGHT OF WAY MARGIN OF FRONT STREET A DISTANCE OF 70.00 FEET;

THENCE NORTH 22°22'34" WEST A DISTANCE OF 140.00 FEET TO THE SOUTHEASTERLY MARGIN OF AN UNNAMED ALLEY BETWEEN FRONT AND GROVER STREETS;

THENCE NORTH 66°34'31" EAST ALONG SAID SOUTHWESTERLY MARGIN A DISTANCE OF 70.00 FEET TO THE NORTHWESTERLY CORNER OF A PARCEL AS DESCRIBED IN STATUTORY WARRANTY DEED RECORDED UNDER AUDITORS FILE NO. 1529480, RECORDS OF SAID COUNTY;

THENCE NORTH 22°27'21" WEST ALONG THE WESTERLY LINE OF A PORTION OF A VACATED ALLEY AS DESCRIBED IN CITY OF LYNDEN VACATION ORDINANCE NO. 1102, A DISTANCE OF 20.00 FEET;

THENCE NORTH 66°34'31" EAST ALONG THE NORTHERLY LINE OF SAID VACATED ALLEY A DISTANCE OF 72.49 FEET TO THE WEST LINE OF SAID BLOCK 1;

THENCE NORTH 01°39'49" EAST ALONG SAID WEST LINE OF BLOCK 1, A DISTANCE OF 22.08 FEET;

THENCE NORTH 66°34'31" EAST ALONG A LINE 162 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE CENTERLINE OF GROVER STREET, A DISTANCE OF 125.22 FEET;

THENCE SOUTH 23°25'56" EAST ALONG A LINE 25 FEET EASTERLY OF AND PARALLEL WITH THE WEST LINE OF LOT 3 OF SAID BLOCK 1, A DISTANCE OF 81.41 FEET TO SAID NORTHWESTERLY RIGHT OF WAY MARGIN;

THENCE SOUTH 41°25'46" WEST ALONG SAID NORTHWESTERLY RIGHT OF WAY MARGIN A DISTANCE OF 231.96 FEET TO THE POINT OF BEGINNING.

Hearing Examiner Variance Application Criteria per 19.47.110 -

A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application is located.

The proposed extension of the 8-ft concrete paneling fence along E. Front Street and the proposed 9-ft non-conductive fencing at the northeast and a portion of the north property line do not constitute as a special privilege inconsistent with the uses of the vicinity and zone. The purpose of the proposed fencing is to provide adequate screening from neighboring properties and to keep the surrounding area safe from the energized equipment located inside the substation. Only authorized personnel will be able to enter the premise, as it is not open to the public.

Project Overall

The proposed substation expansion upgrade is located within RM-3 zoning (residential multi-family). Substations are a conditional use within this zoning jurisdiction and it is an existing use. It is not overreaching any of the use limitations permitted within this zoning. PSE owns the adjacent property the substation footprint will expand.

The project serves to benefit the community of Lynden, as it will address a number of aging infrastructure, reliability and future capacity issues. Expansion of the substation footprint will allow PSE to do the necessary upgrades to increase reliability for customers served by the substation and accommodate for future load growth in the area.

B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with rights and privileges permitted to other properties in the vicinity and zone in which the subject property is located.

The existing 8 ft. concrete panel fencing along the frontage of E. Front Street was a permit condition for PSE's substation upgrade in 1999. The permit condition is no longer in compliance with current Lynden Municipal Code. PSE is proposing to keep the existing fencing along E. Front Street and extending it to the west with the substation expansion for aesthetic and screening continuity. The proposed extension will adequately screen the substation from the public view and keep people safe.



Figure 1: Existing 8 ft. concrete paneling fencing along E. Front Street at Lynden Substation

The proposed 9 ft. non-conductive fencing along the northeast and a portion of the north property line is necessary to meet NESC Criteria in Section 110.A. The energized equipment is too close to the fence due to the size constraints of the lot and meeting design clearances within the substation footprint. Based on calculated figures in NESC Section 110.A, a 9 ft. impenetrable fence meets safety standards for enclosures of electrified equipment.

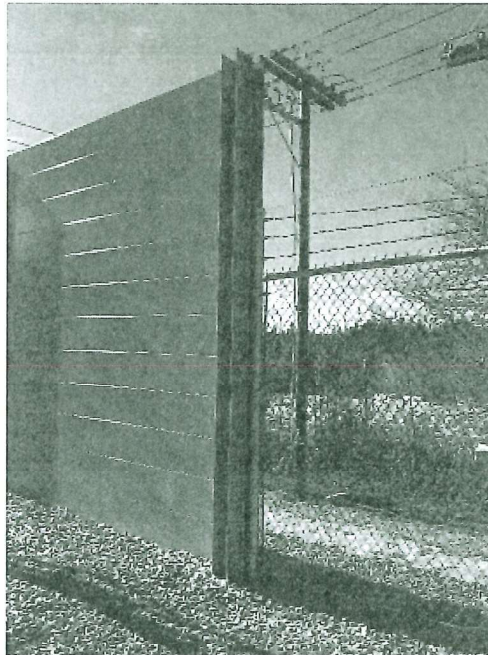


Figure 2 - Example of 9 ft. non-conductive fencing enclosure at a substation

C. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located.

The proposed substation expansion upgrade will not be injurious to the property or improvements in the vicinity and zone. The upgrades actually reduce the risk of being injurious by replacing end of life equipment to increase safety and reliability to the surrounding vicinity. Fencing and landscaping will keep it isolated from the public and only accessible to authorized substation personnel.