



# **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:  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**

*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 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.*

### ☐ **Public Hearing at Planning Commission**

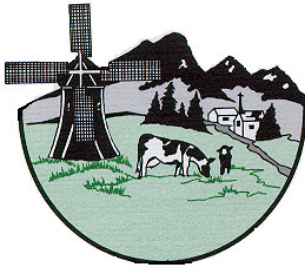
*The Planning Commission makes its recommendation for approval or denial after reviewing and considering the project application materials, the TRC report, and any written or oral testimony in reference to the request. The Commission then forwards its resolution outlining the decision, its findings,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





RZ# \_\_\_\_\_

# 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 charrette 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 charrette 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.<sup>1</sup> 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:

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<sup>1</sup> 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.<sup>2</sup>

*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*

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<sup>2</sup> 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**

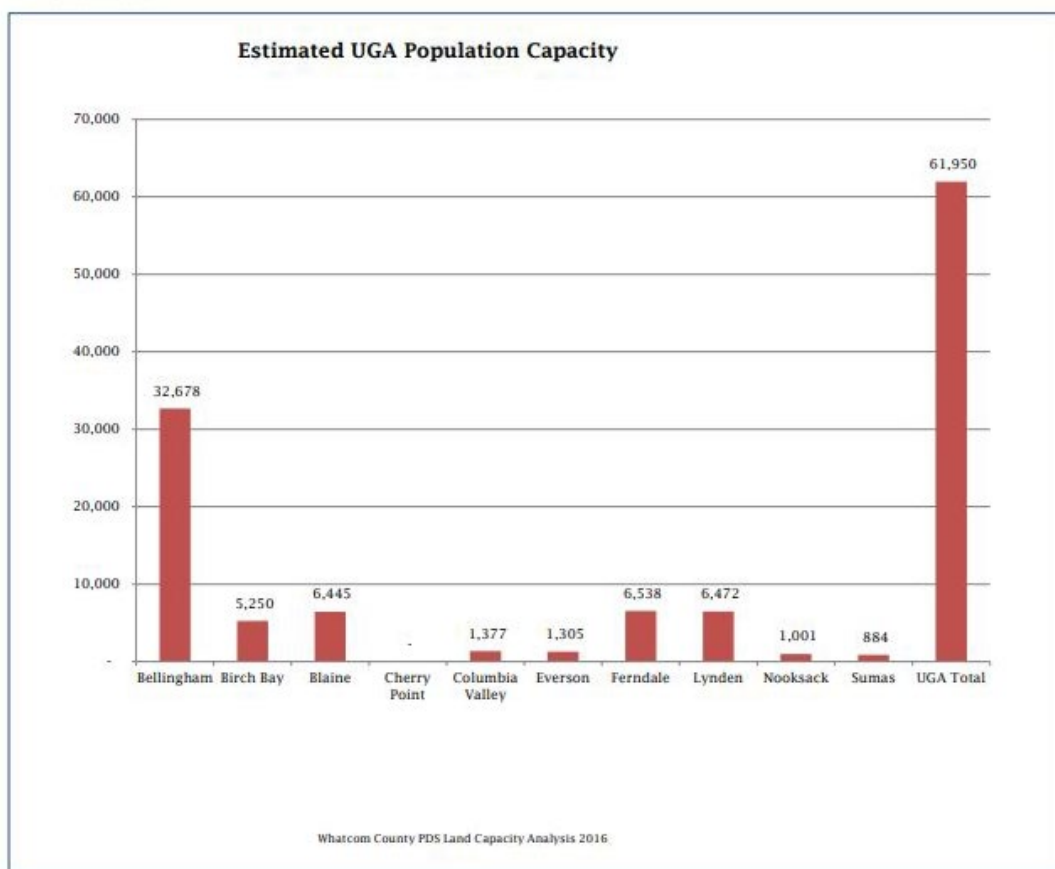
The City of Lynden has been experiencing a growth spurt for the last three decades. Lynden's 2016 Comprehensive Plan update says, "an average growth of almost 3.5% since 1980 has made Lynden one of the fastest growing communities in the county." Whatcom County's Comprehensive Plan chapter on housing 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.<sup>3</sup> 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.<sup>4</sup>

**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

<sup>3</sup> City of Lynden's Comprehensive Plan 2016 update, pg. 47

<sup>4</sup> 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 5709		2000 Census 9020		2010 Census 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%."*<sup>5</sup>

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.<sup>6</sup> Single-family units house 67% of Lynden's population.<sup>7</sup> 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.

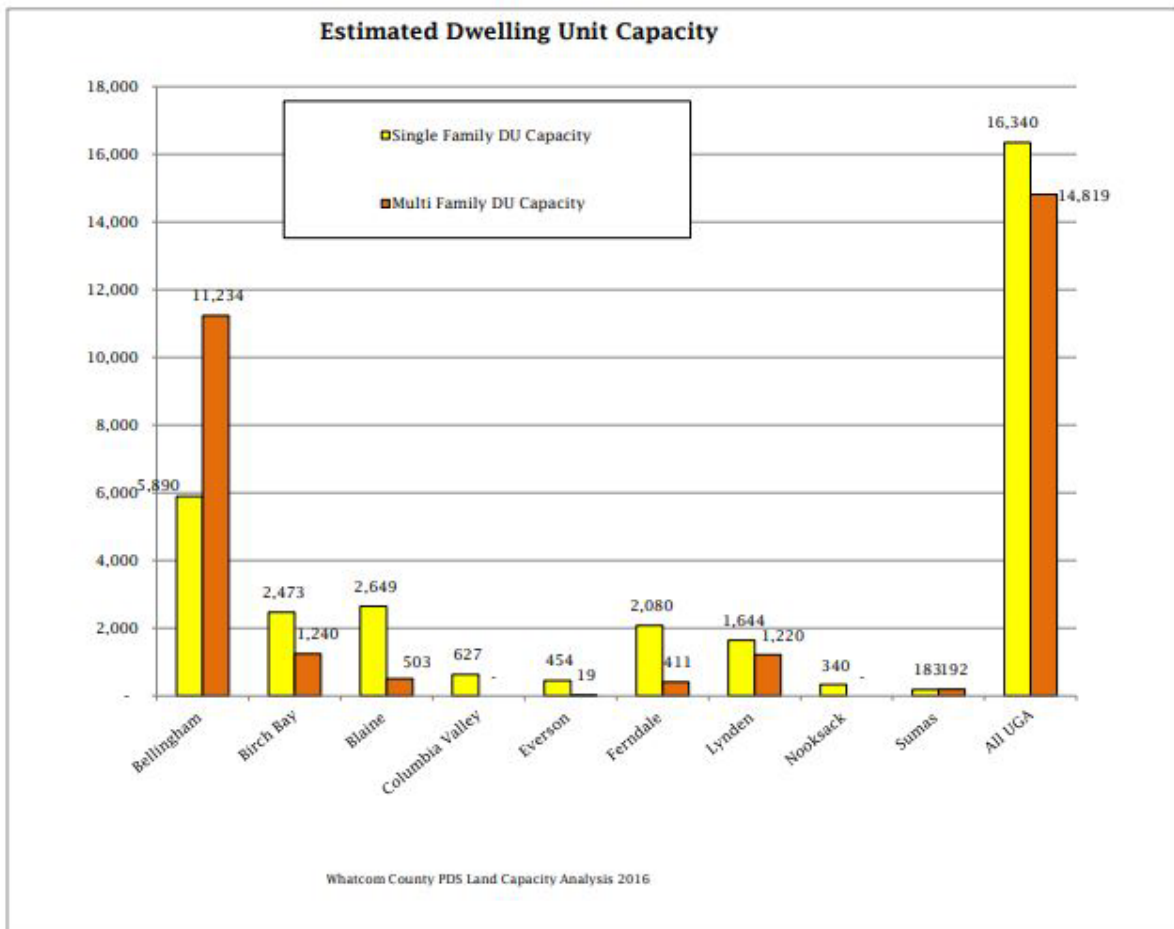
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<sup>5</sup> City of Lynden's Comprehensive Plan 2016 update, pg. 11

<sup>6</sup> City of Lynden's Comprehensive Plan 2016 update, pg. 48

<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup>

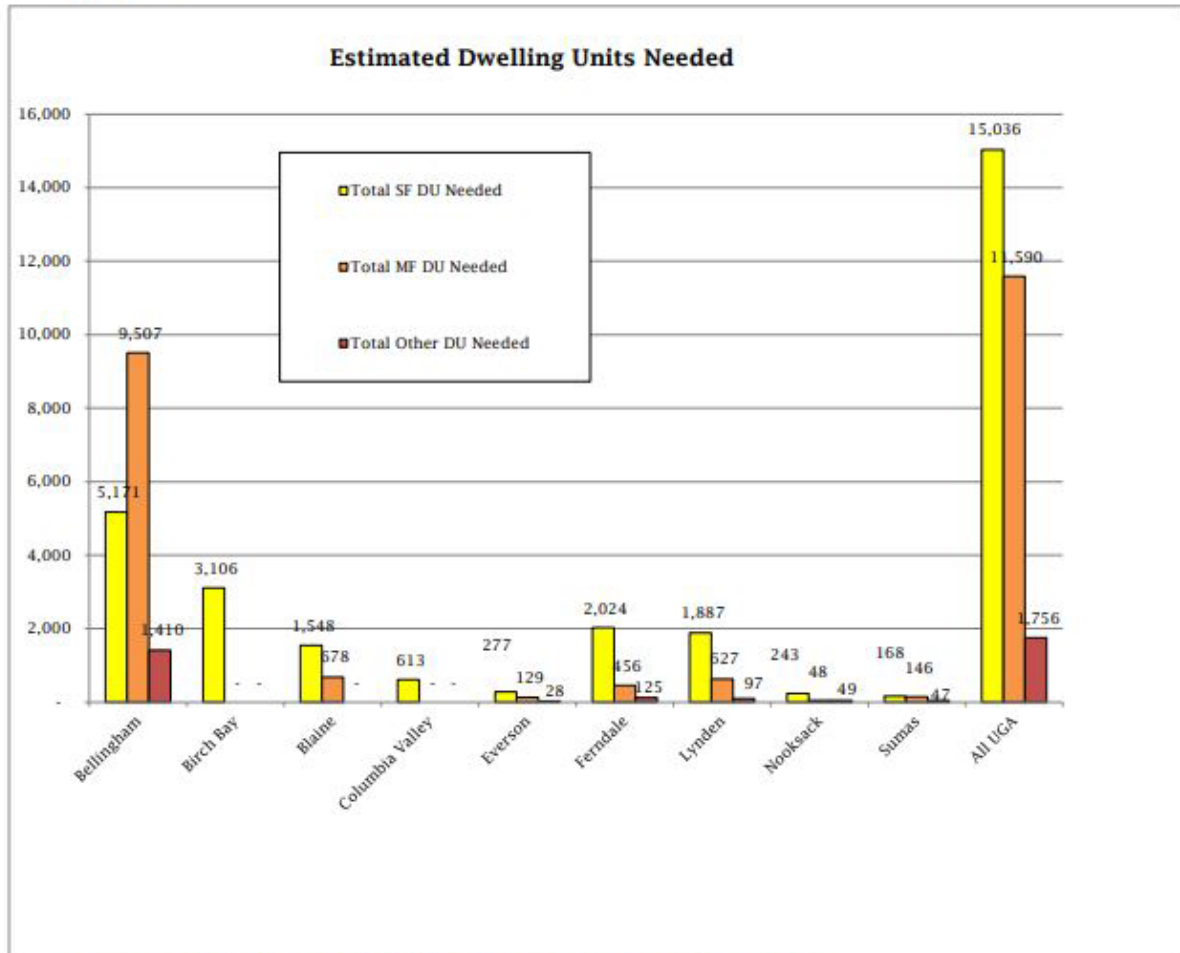
This data shows that based on available land area Lynden will be approximately 240 single-family housing units short of its expected demand. This deficit will contribute to increased housing costs for Lynden residents. To meet this demand Lynden will need to build almost 100 new homes per year, more 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

<sup>8</sup> City of Lynden's Comprehensive Plan 2016 update, pg. 50

<sup>9</sup> 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.”<sup>10</sup>*

— *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

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<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup> 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
<b>Attainable home with 20% down</b>	<b>\$327,862</b>

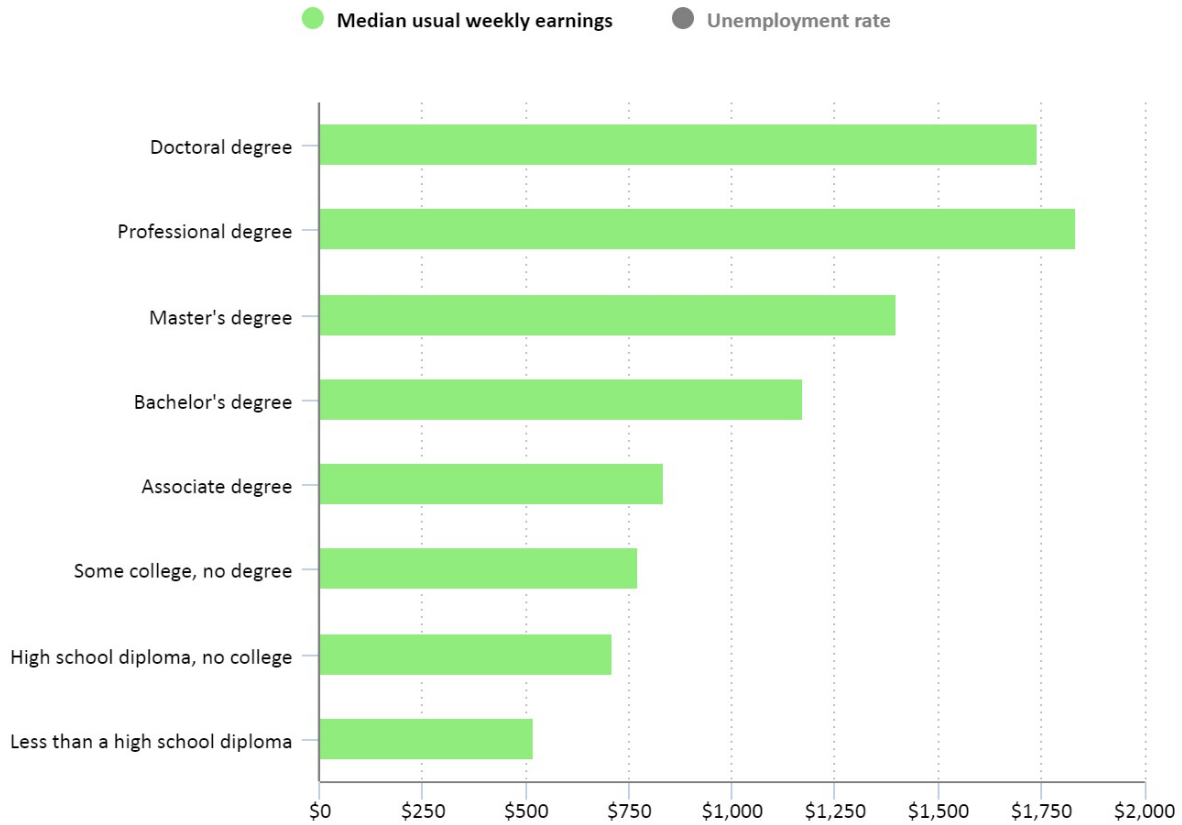
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<sup>11</sup> “Who Can Afford to Live in a Home?: A look at data from the 2006 American Community Survey,” Schwarts, Mary and Ellen Wilson, 2008, U.S. Census Bureau

<sup>12</sup> 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 <sup>13</sup> /week x 52 weeks)	37%	44%
High School Diploma - \$37,024 (\$712 <sup>14</sup> /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.<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup> 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.

<sup>13</sup> "Measuring the value of education," Elka Torpey, April 2018, Bureau of Labor Statistics

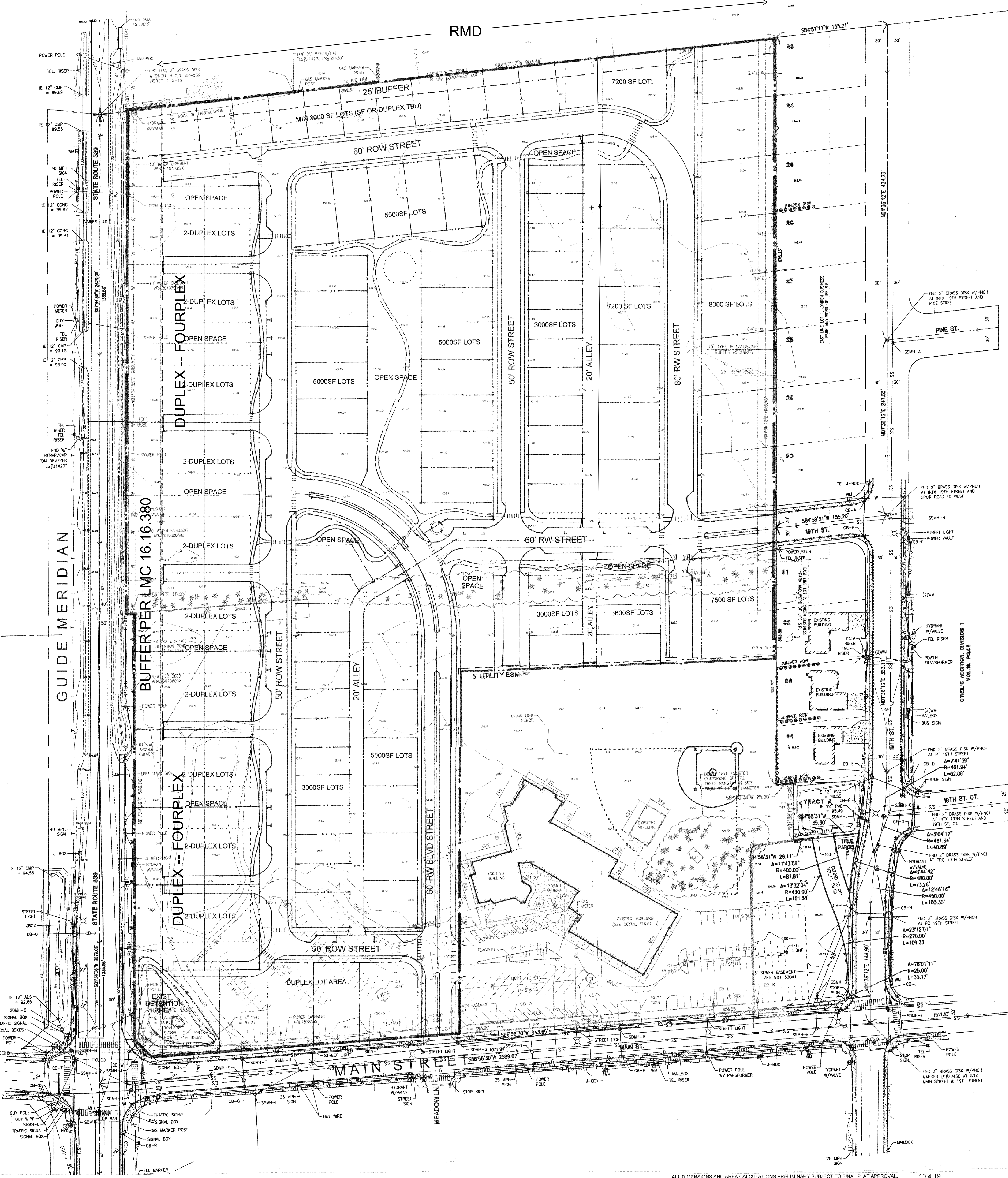
<sup>14</sup> "Measuring the value of education," Elka Torpey, April 2018, Bureau of Labor Statistics

<sup>15</sup> U.S. Census Data 2010

<sup>16</sup> U.S. Census Data 2010

<sup>17</sup> U.S. Census Data 2013-2017





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:	4
DUPLEX LOTS:	24 ( 48 UNITS)

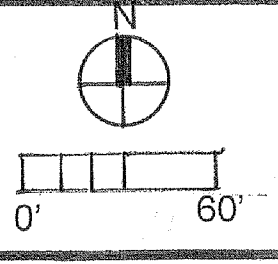
**SITE AREA:** 22.1 ACRES

**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%)

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

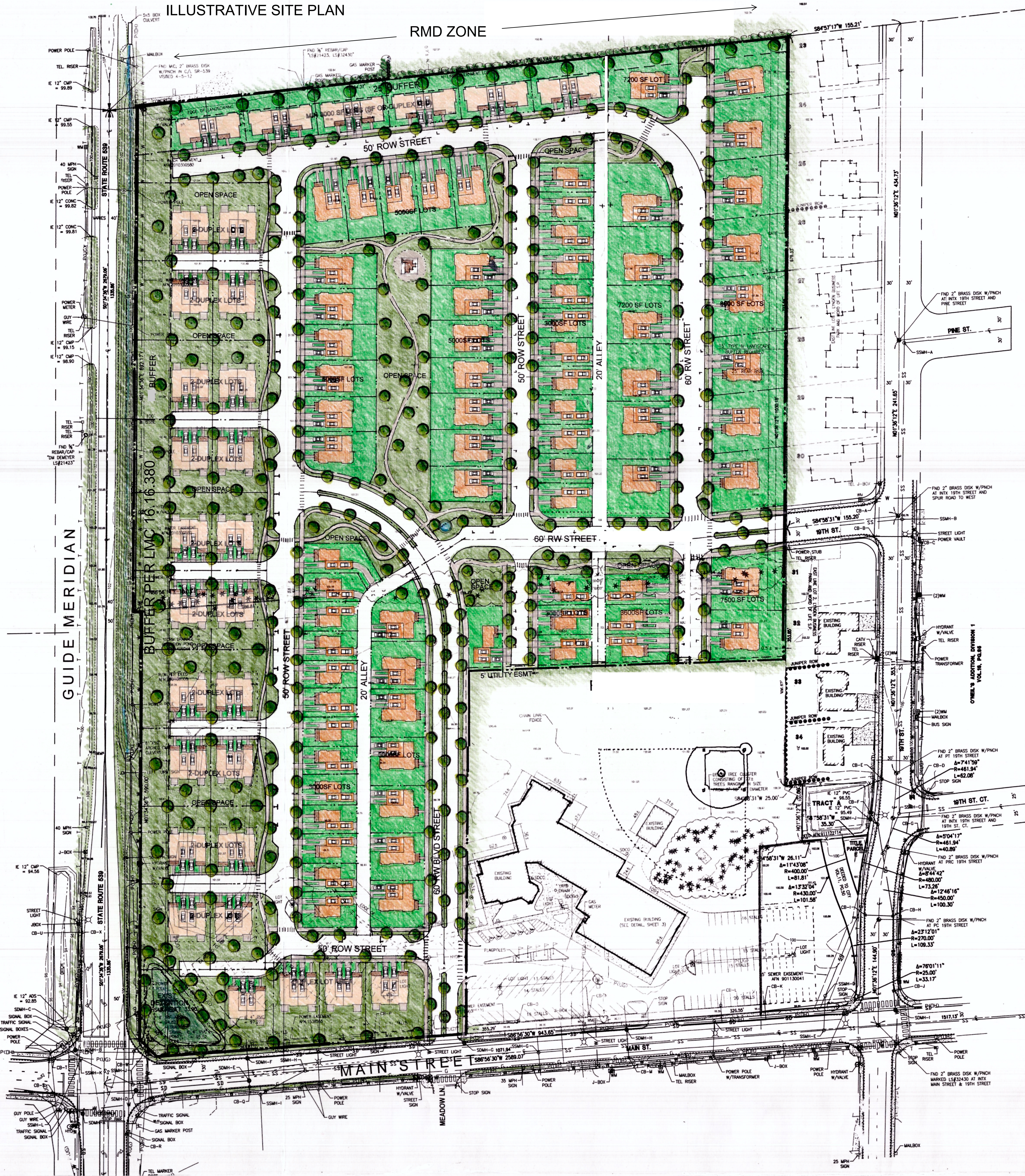
**CDM**

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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
5000 SF LOTS:	25
3600 SF 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)
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)

45

ALL DIMENSIONS AND AREA CALCULATIONS PRELIMINARY SUBJECT TO FINAL PLAT APPROVAL

10.4.19

PRELIMINARY  
Master Plan Concept

**LionsGate**

LYNDEN, WASHINGTON

DEVELOPMENT STRATEGIES  
MASTER PLANNING  
ARCHITECTURAL CONCEPTS  
DESIGN CHARTERS

Christensen  
DESIGN MANAGEMENT

P.O. BOX 5081 BELLINGHAM, WA 98227-5081 360-676-4801 FAX 360-676-4033  
www.masterplanning.com E-MAIL: cdn@masterplanning.com

CDM



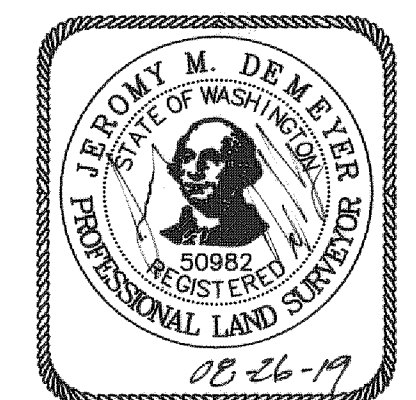
2019-0803655

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

1. "O" DENOTES 5/8 INCH REBAR WITH 1 INCH PLASTIC CAP MARKED "NWS & GPS 49276 & 50982" SET FOR LOT CORNERS IN JULY OF 2019.
2. "●" DENOTES CAPPED REBAR MARKED "LS.32430" FOUND BY THIS SURVEY.
3. "⊙" DENOTES BRASS DISC, FOUND BY THIS SURVEY.
4. "□" DENOTES HUB AND LATH SET FOR POINTS ON LINE.
5. "⦿" DENOTES NAIL & FLASHER MARKED "LS.49276 & 50982" FOR POINT ON LINE.
6. "※" DENOTES CALCULATED POINT ONLY.
7. 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.
8. 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.
9. 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.
10. 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.

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

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'



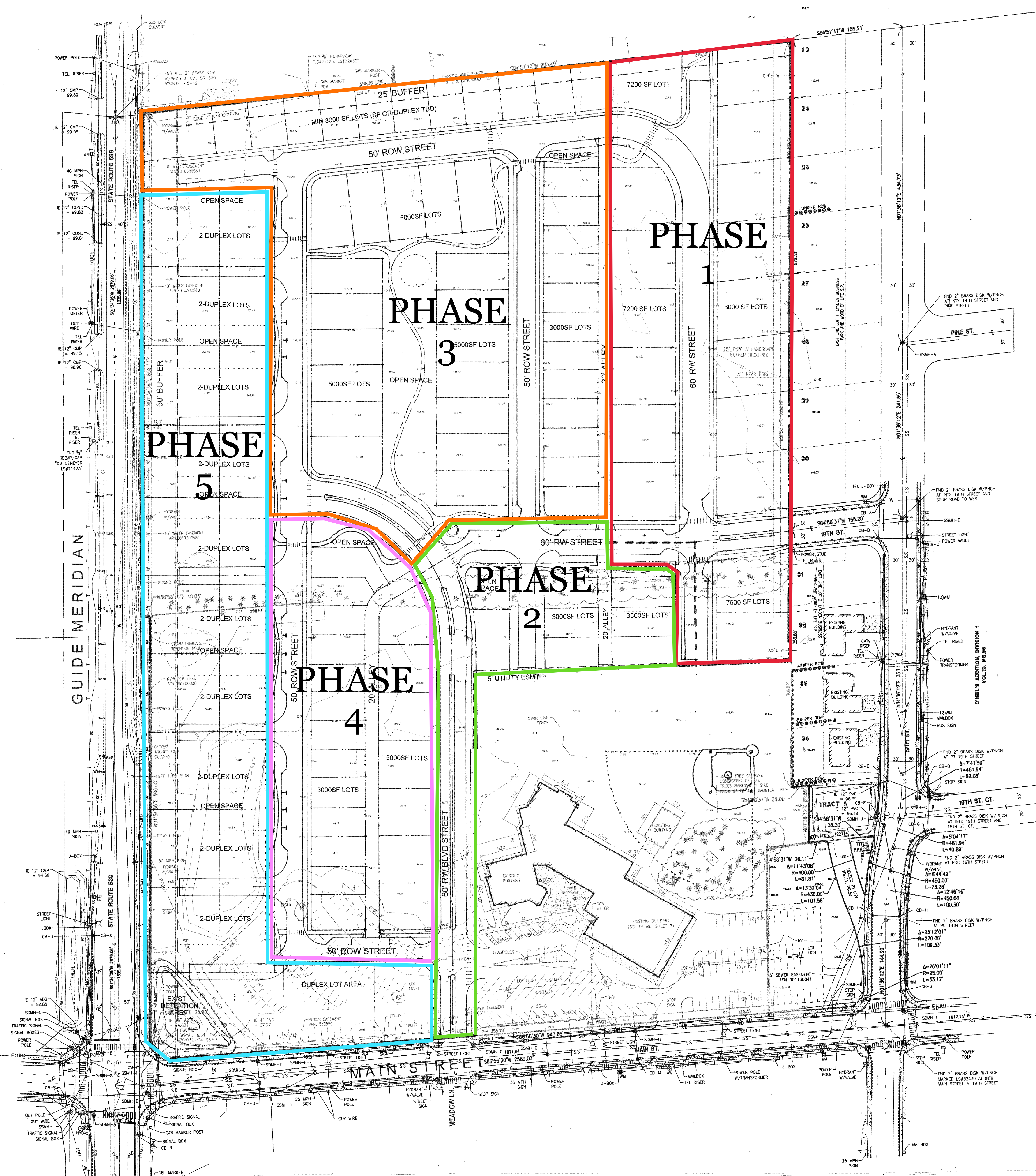
BASIS OF BEARINGS =  
CITY OF LYNDEN SURVEY  
MONUMENT NETWORK

**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](http://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



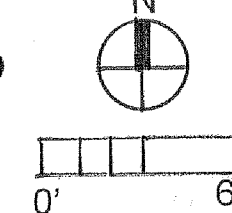
PRELIMINARY  
Master Plan Concept  
**LionsGate**  
LYNDEN, WASHINGTON

PRELIM. LOT SUMMARY:  
8000 SF LOTS: 8  
7500 SF LOTS: 2  
7200 SF LOTS: 7  
5000 SF LOTS: 25  
3600 SF LOTS: 3  
3000 SF LOTS: 3  
DUPLICATE 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

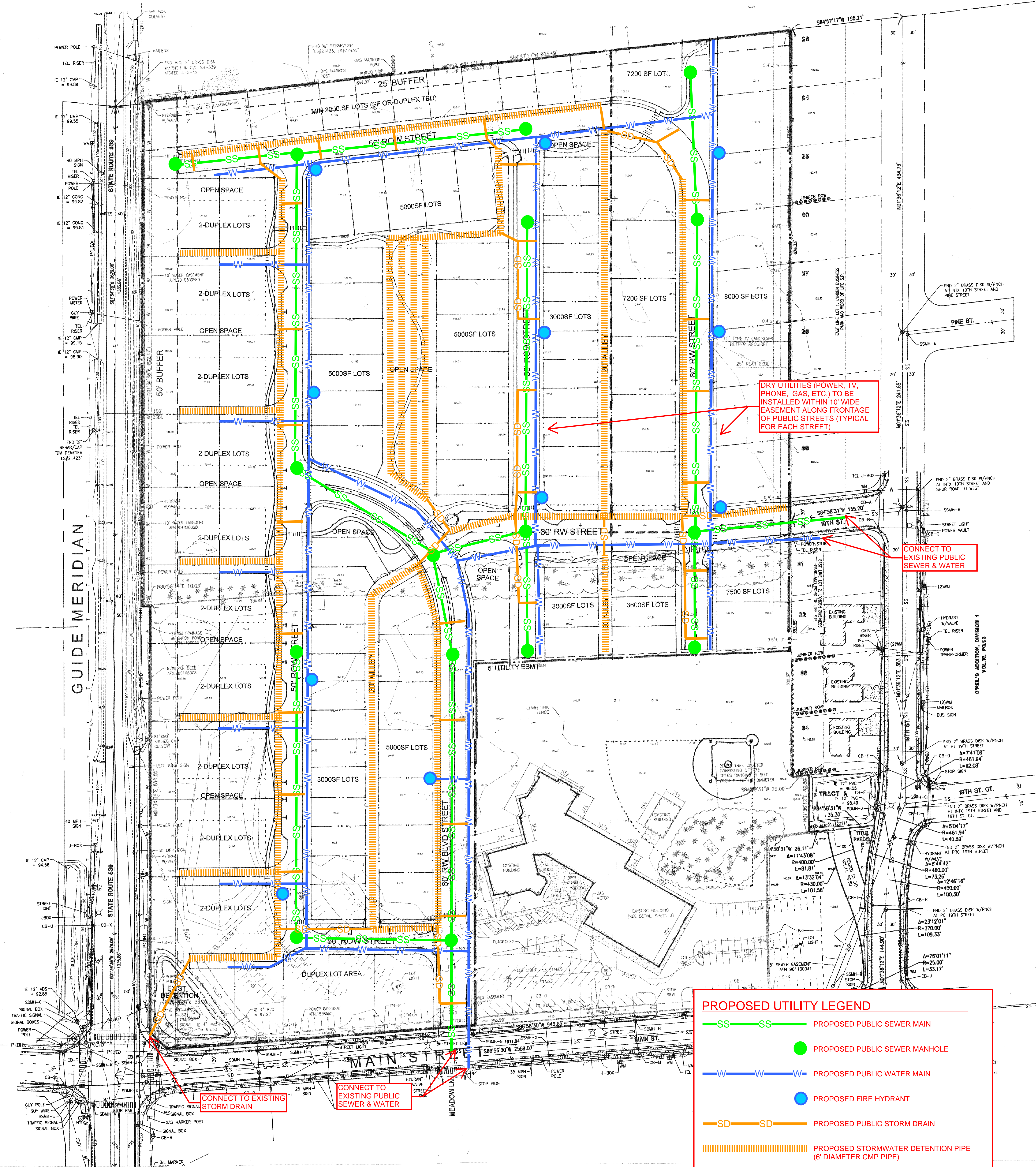
DEVELOPMENT STRATEGIES  
MASTER PLANNING  
ARCHITECTURAL CONCEPTS  
DESIGN CHARACTERS

Christensen  
DESIGN MANAGEMENT  
P.O. BOX 9984 • BELLINGHAM, WA 98227-0984 • 360-476-4301 FAX 360-476-4301  
www.masterplanning.com • E-MAIL: cdm@masterplanning.com

**CDM**



# GENERAL UTILITY PLAN



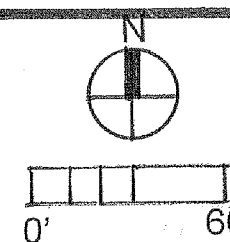
PRELIMINARY  
Master Plan Concept  
**LionsGate**  
LYNDEN, WASHINGTON

PRELIM. LOT SUMMARY:  
8000 SF LOTS: 8  
7500 SF LOTS: 2  
7200 SF LOTS: 7  
5000SF LOTS: 3  
3600SF LOTS: 3  
3000 SF LOTS: 41  
DUPLICATE 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%)

**48**

Planned Residential Development (19.21.101)

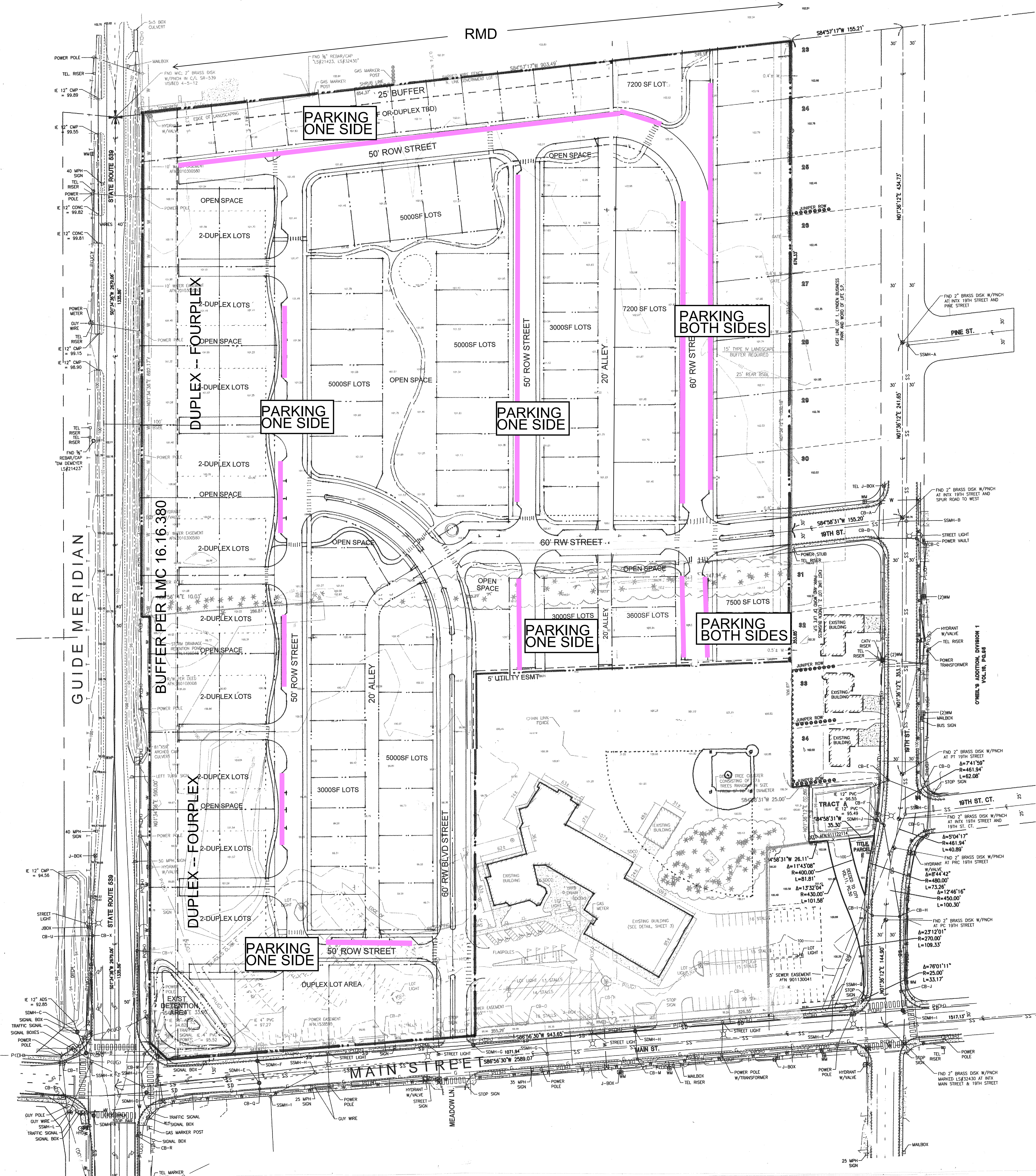


DEVELOPMENT STRATEGIES  
MASTER PLANNING  
ARCHITECTURAL CONCEPTS  
DESIGN CHARTERS  
Christensen  
DESIGN MANAGEMENT  
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www.masterplanning.com E-MAIL: cdm@masterplanning.com

CDM



# PARKING PLAN



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

10.4.19

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: 4  
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%)

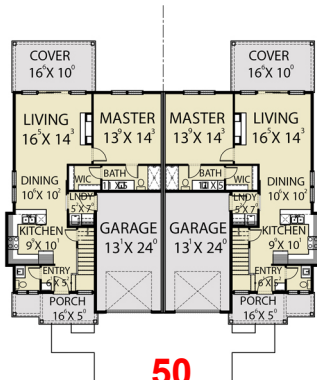
**49**

Planned Residential Development (19.21.101)

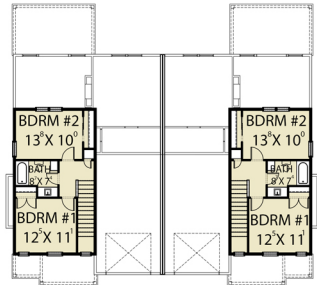
DESIGN MANAGEMENT  
Christensen  
www.masterplanning.com | E-MAIL: cdm@masterplanning.com

CDM





**MAIN FLOOR PLAN**



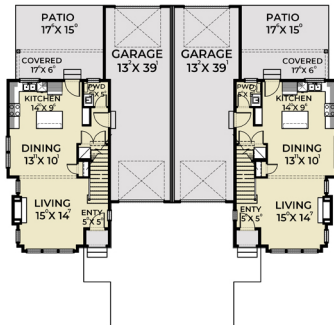
SECOND FLOOR PLAN





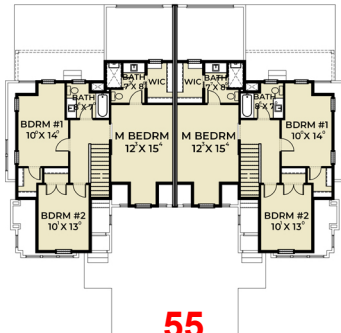






**54**

MAIN FLOOR PLAN



**55**

SECOND FLOOR



















1950





1950





1961

8400

8300

8200

8100

100

200

300

400

EA

C-4

C-2

TD

WG

EB

GA

RA

LF

LG

LL

GC

C-3

C-2

C-4

C-5

C-6

C-7

C-8

C-9

C-10

C-11

C-12

C-13

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C-84

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C-86

C-87

C-88

C-89

C-90

C-91

C-92

C-93

C-94

C-95

C-96

C-97

C-98

C-99

C-100

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

8400

8300

8200

8100

100

200

300

400

62

24-40-2E

1961

8400  
8300  
8200  
8100

400 300 200 100

400 300 200

LOUISIANA ROAD

JEFFERS ROAD (Now Berghusen Road)

LYNDEN ROAD

BIRCH BAY LYNDEN ROAD

GUIDE ROAD

MERIDIAN ROAD

CREEK

EA

TD

C-4

C-2

C-3

C-5

GA

LG

LF

RA

LB

LL

GC

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

62

24-40-2E

[illegible]



1961



63

19 - 40 - 3E



1975

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





1975

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

65

19-40-3E



1986





1986





1998



24 - 40 - 2E



1998



19 - 40 - 3E



2006

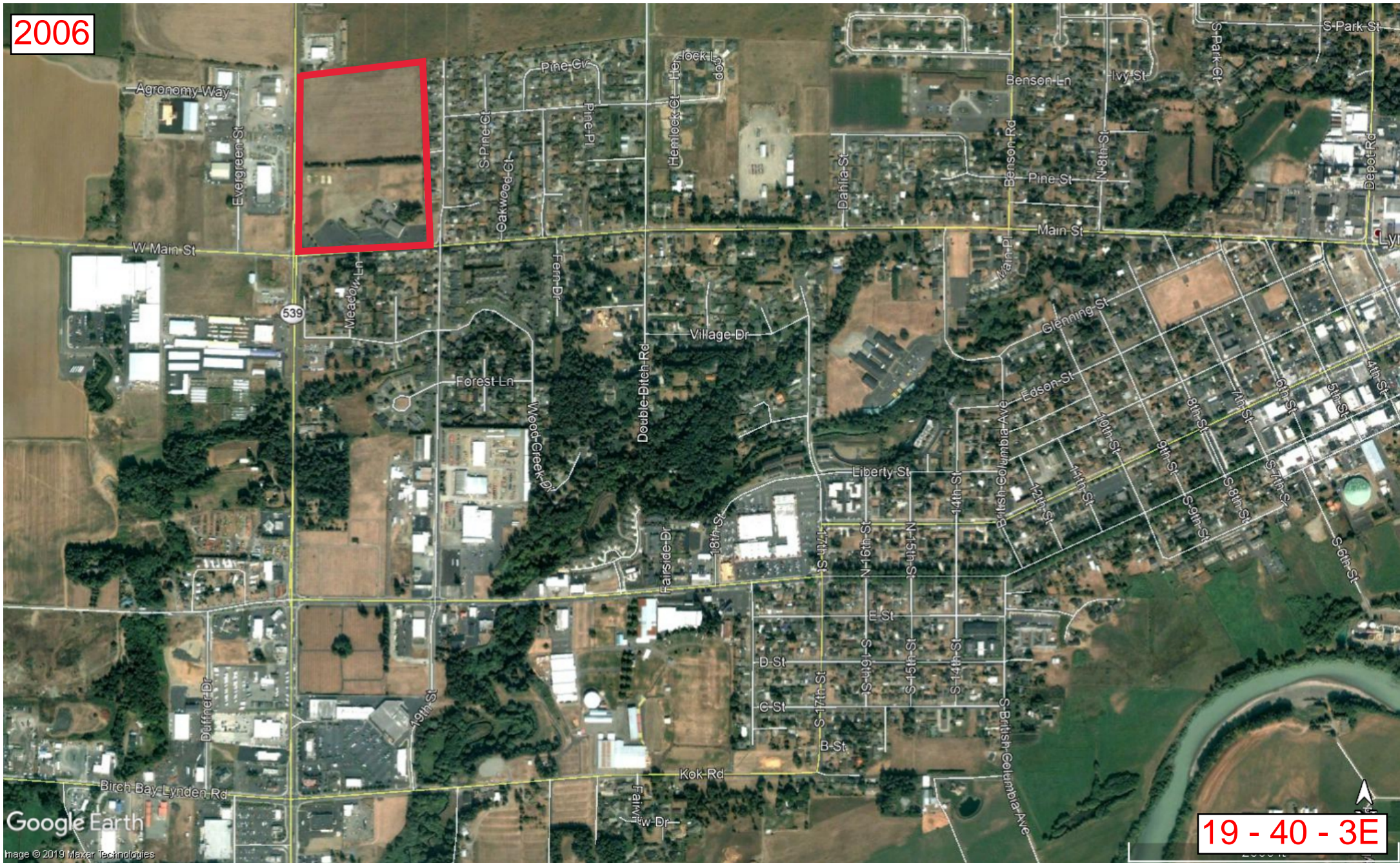


Google Earth  
Image © 2019 Maxar Technologies

24 - 40 - 2E



2006



19 - 40 - 3E

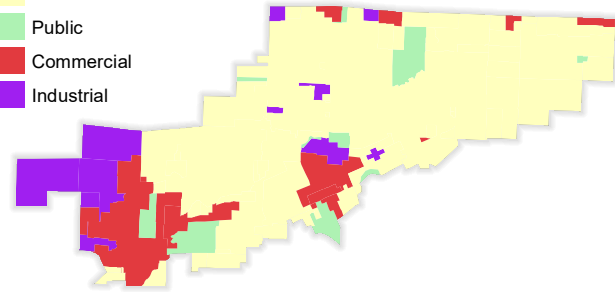


# Zoning

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

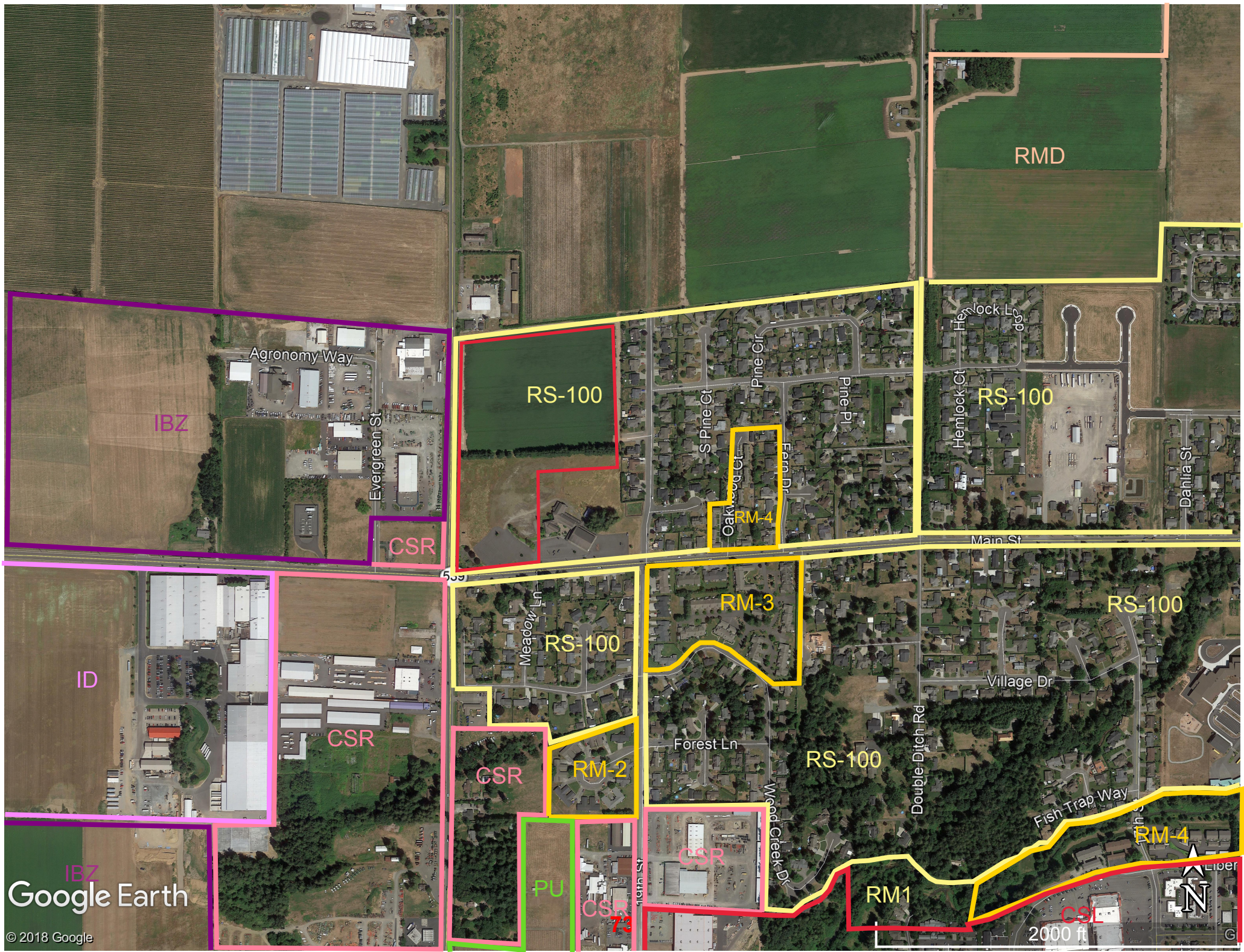
- Overlay

## Features

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







IBZ  
Google Earth

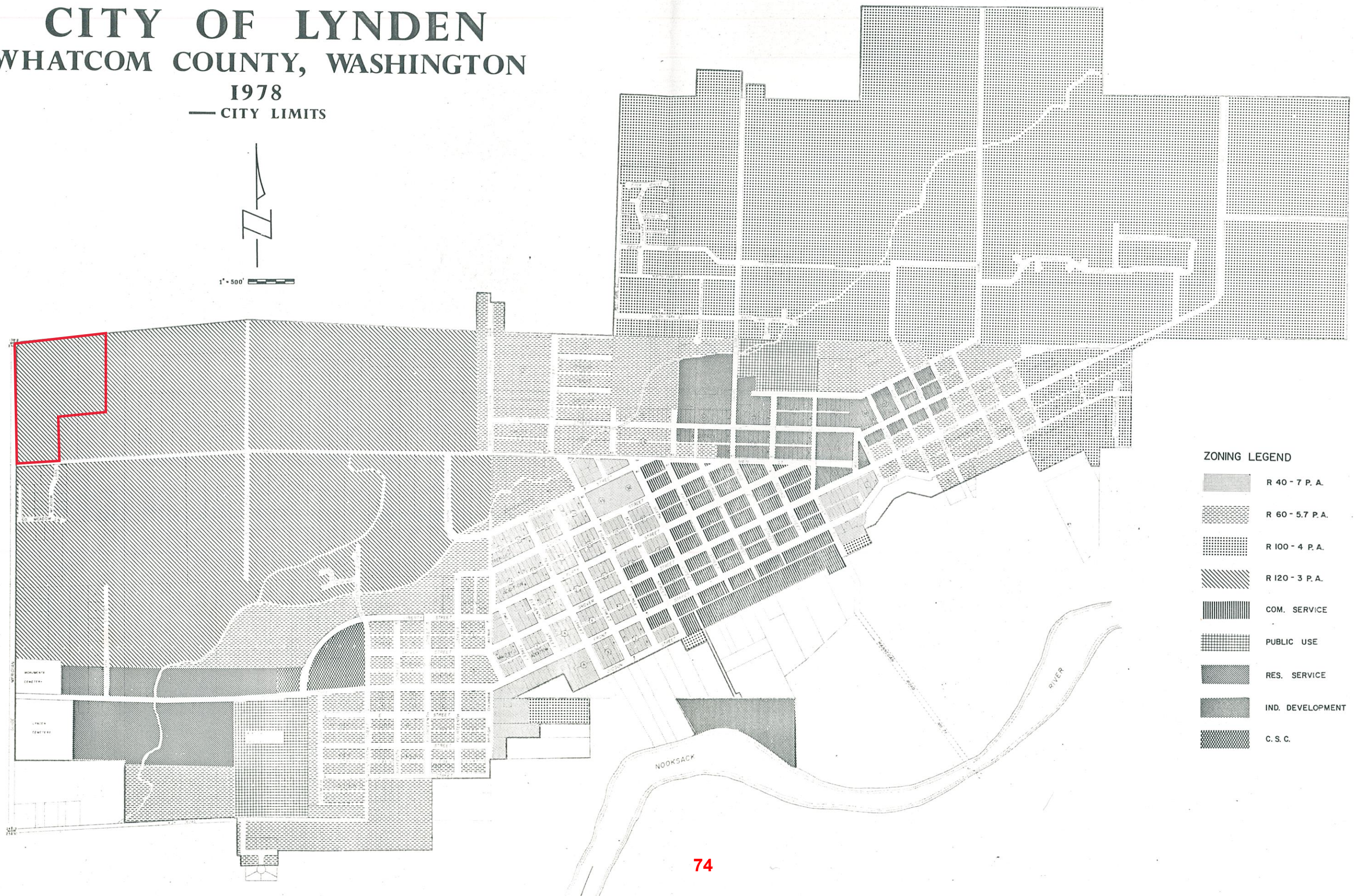
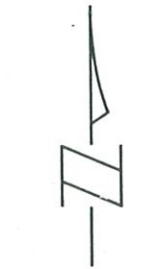
© 2018 Google












# CITY OF LYNDEN

## WHATCOM COUNTY, WASHINGTON

1978  
— CITY LIMITS



### ZONING LEGEND

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

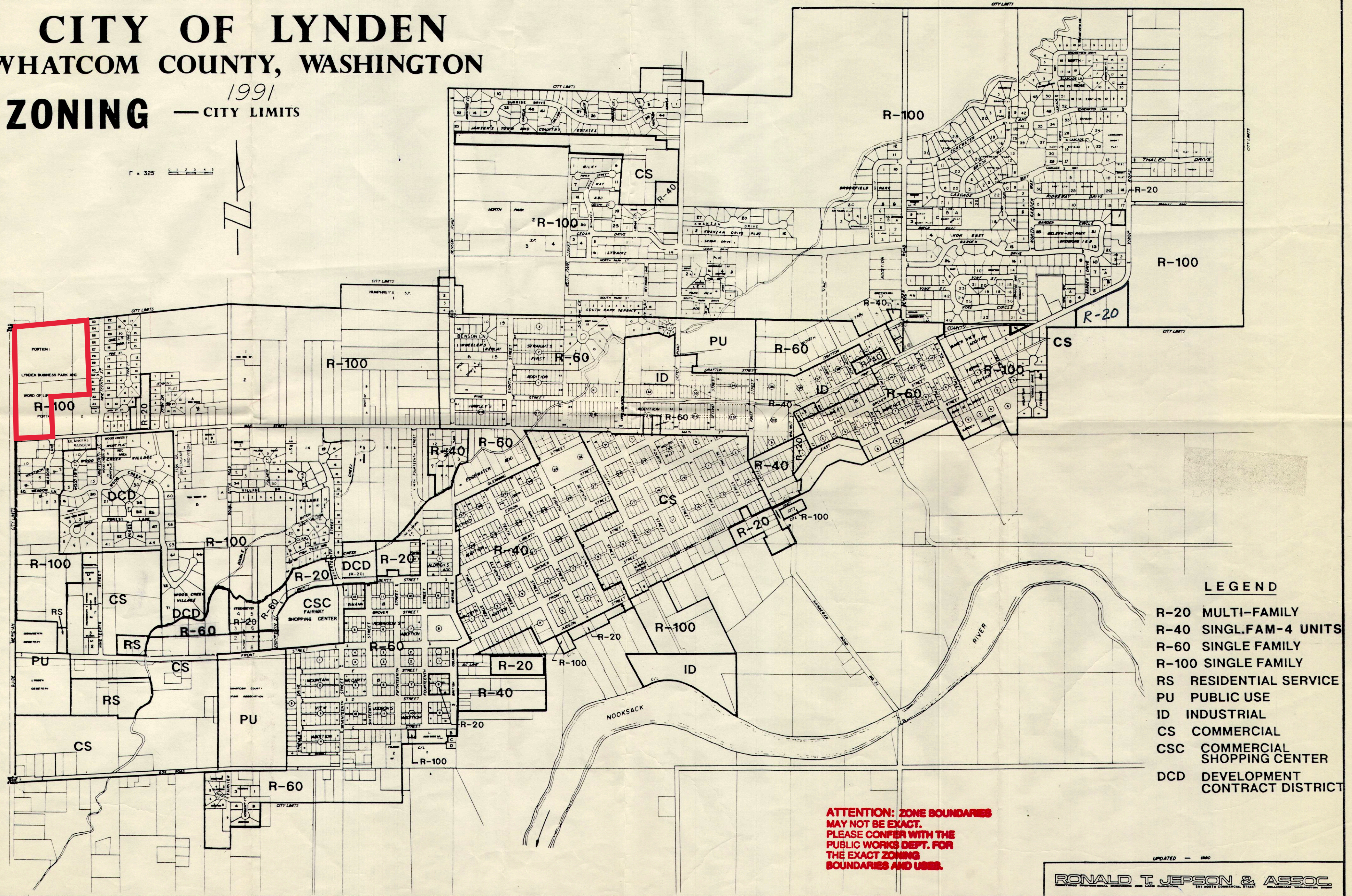
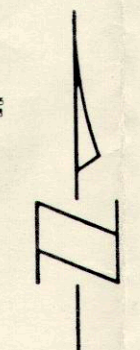


# CITY OF LYNDEN

## WHATCOM COUNTY, WASHINGTON

### 1991 ZONING — CITY LIMITS

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 — 1990

RONALD T. JEPSON & ASSOC.

REZONE: 91-1 WEEKS (AND REPLAT)





Way

Evergreen St

19th St

N Pine Ct

Oakwood Ct

Pine Cir

Fern Dr

Fern Ct

Pine St

Hemlock Ct

Main St

Double Ditch Rd

Palmer Ct



1863 & 1851 Main St, 2 Fourplexes



601 19th St, Duplex



1840 Main St, 21 units



1843 Main St, 38 condos



1843 Main St, 4 condos

Google Earth

© 2018 Google

76

Forest Ln

1000 ft











Google Earth

© 2020 Google

78



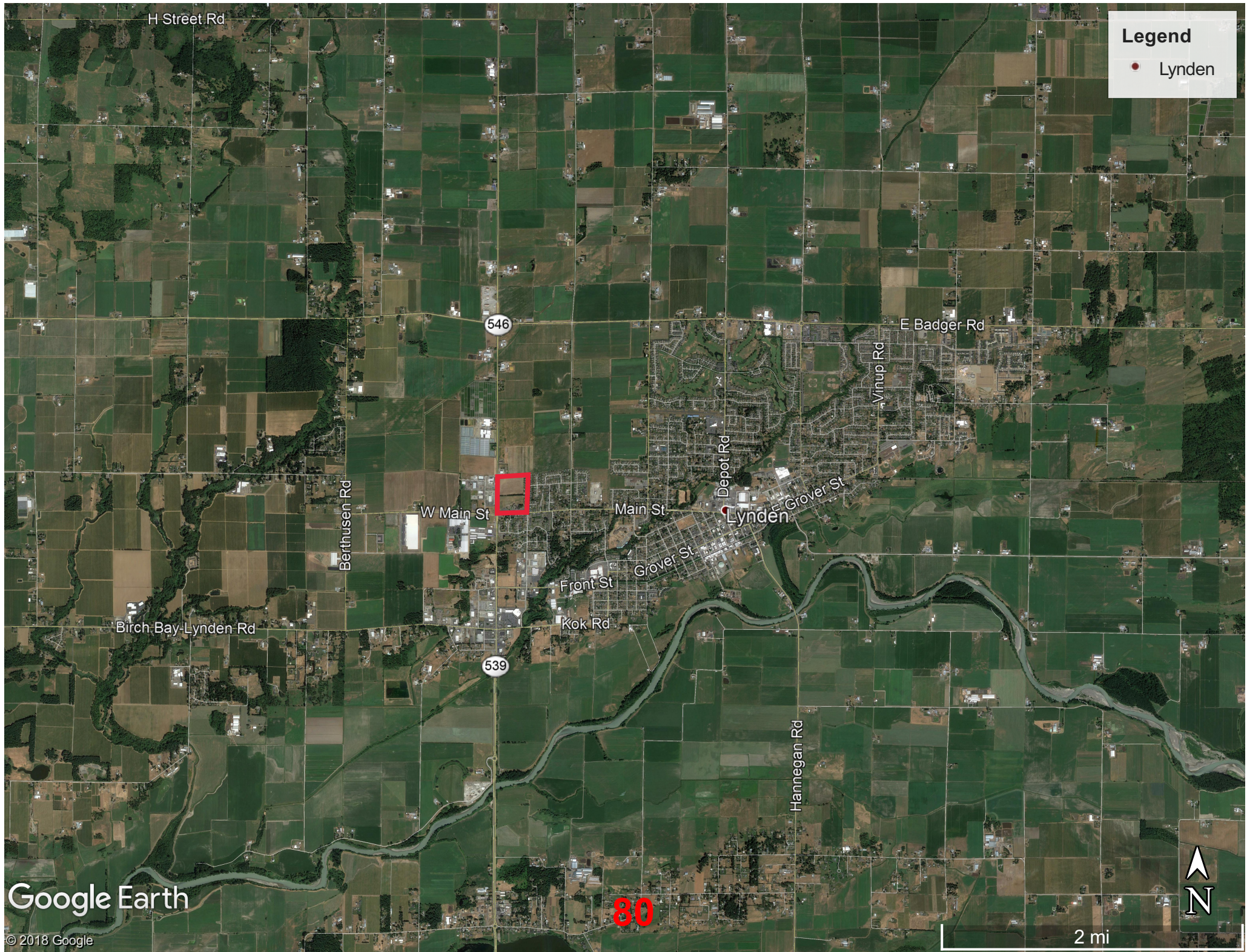


Google Earth

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79





H Street Rd

Legend

• Lynden

546

E Badger Rd

Vinup Rd

Berthusen Rd

W Main St

Main St

Depot Rd

Lynden

Grover St

Front St

Kok Rd

Birch Bay-Lynden Rd

539

Hannegan Rd

Google Earth

© 2018 Google

80



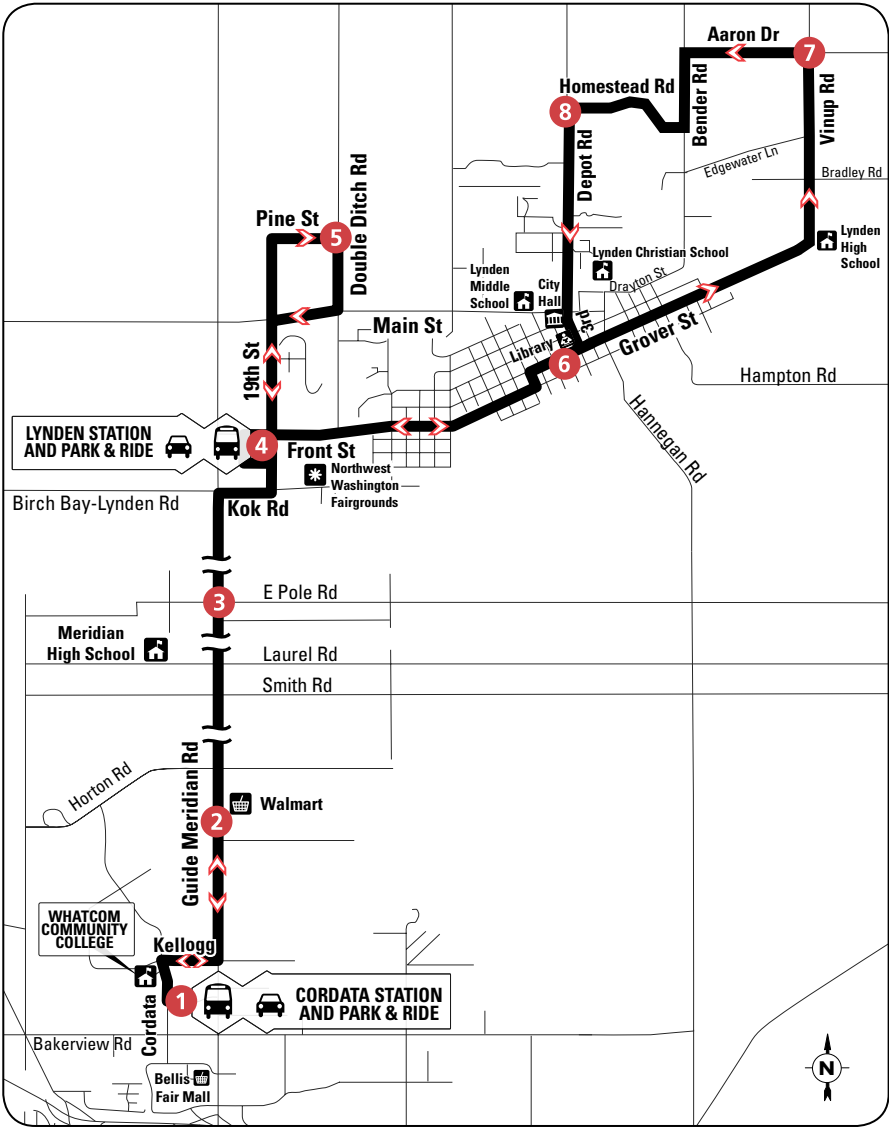
2 mi



26

LYNDEN

CORDATA/WCC



This route uses platform B at Cordata Station.

26 Lynden

26 Cordata/WCC

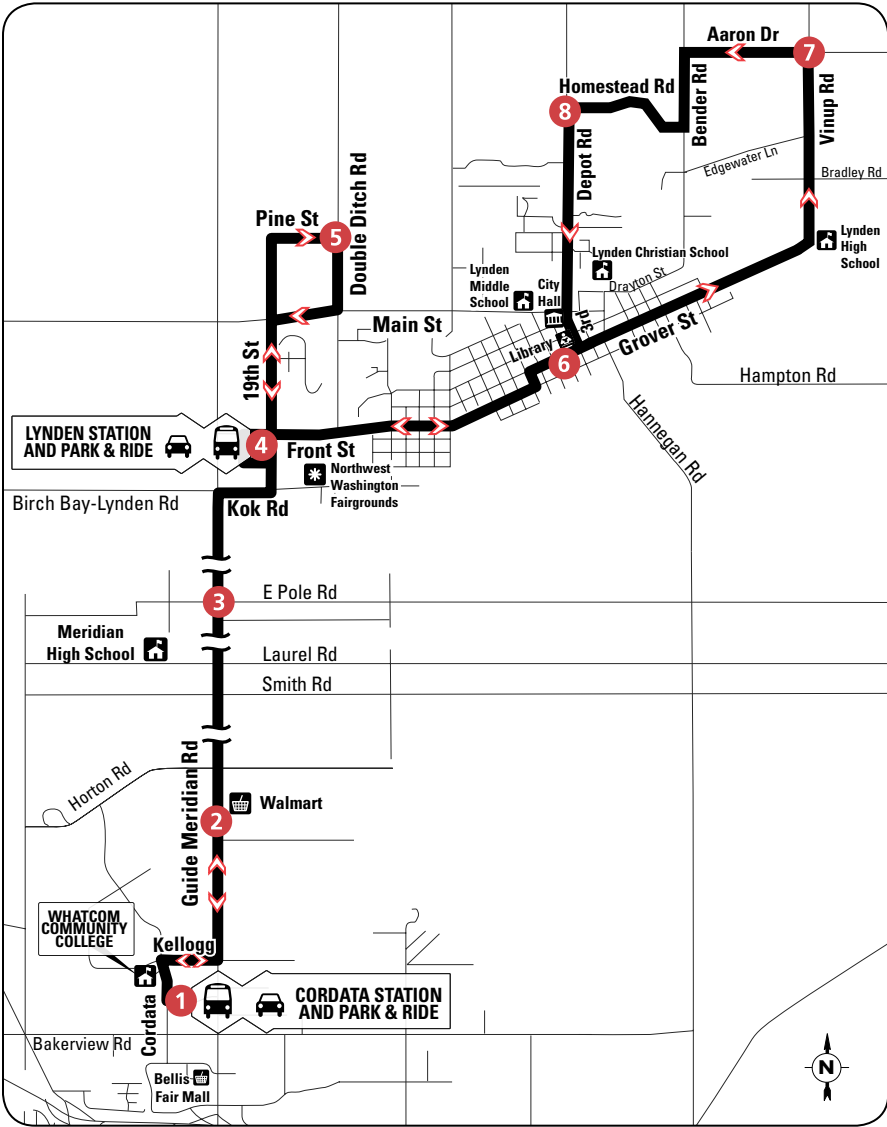
LEAVE	Cordata Station	Walmart	Meridian & Pole	Lynden Station	Pine & Double Ditch	4th & Grover	Vinup & Aaron	Depot & Homestead	4th & Grover	Pine & Double Ditch	Lynden Station	Meridian & Pole	Walmart	ARRIVE	Bus
1	2	3	4	5	6	7	8	6	5	4	3	2	1		Continues as Route
—	—	—	—	—	6:24	6:30	6:34	6:39	—	6:45	6:53	7:05	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	



26

LYNDEN

CORDATA/WCC



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	9:24	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	11:09	—	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	12:39	—	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	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	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	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	7:12	Out of Service	

SUNDAYS

26 Lynden

26 Cordata/WCC

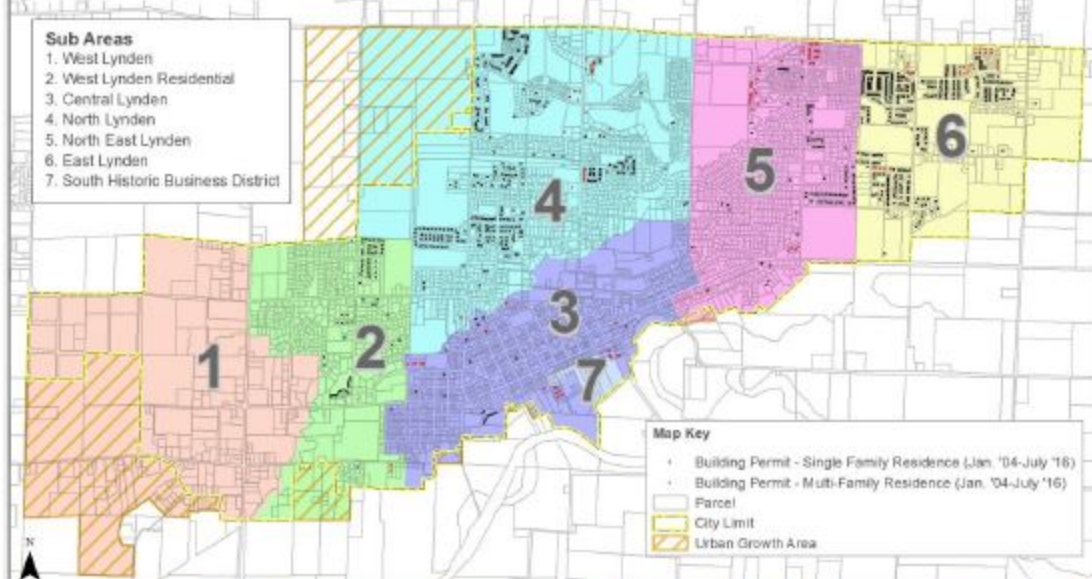
LEAVE	Cordata Station	Walmart	Meridian & Pole	Lynden Station	Pine & Double Ditch	4th & Grover	Vinup & Aaron	Depot & Homestead	4th & Grover	Pine & Double Ditch	Lynden Station	Meridian & Pole	Walmart	ARRIVE	Cordata Station	Bus Continues as Route
	1	2	3	4	5	6	7	8	6	5	4	3	2	1		
8:50	8:54	9:04	9:13	9:15	9:24	9:24	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	11:09	—	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	12:39	—	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	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	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	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	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



### 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
<b>Total</b>	<b>834</b>		<b>119</b>	



## CITY OF LYNDEN ANNUAL STATISTICS

DESCRIPTION	Measure	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006
<b>POPULATION:</b>		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
<b>Total New Residential:</b>	<b>Dwelling Units</b>	<b>215</b>	<b>152</b>	<b>120</b>	<b>126</b>	<b>90</b>	<b>117</b>	<b>106</b>	<b>135</b>	<b>68</b>	<b>42</b>	<b>59</b>	<b>65</b>	<b>111</b>
Commercial/Industrial (New Construction Permits)	Building See Note B	10	2	4	4	0	4	3	0	2	1	4	3	3
<b>TOTAL PERMITS issued:</b>	<b>All Types See Note A</b>	<b>380</b>	<b>321</b>	<b>310</b>	<b>311</b>	<b>212</b>	<b>239</b>	<b>229</b>	<b>241</b>	<b>220</b>	<b>129</b>	<b>231</b>	<b>244</b>	<b>310</b>
<b>STREETS: See Note C</b>	<b>Miles</b>	<b>61.8</b>	61.03	60.54	59.99	59.56	58.99	58.89	58.89	58.44	58.33	58.33	56.87	54.83
<b>BRIDGES: Not including pedestrian</b>	<b>Inside City Limits</b>	<b>12</b>	12	12	12	12	12	12	12	12	12	12	12	12
<b>STREET LIGHTING</b> Note: 75 Watt - 5th & Front St Project 1097 Total PSE lights - 2017 *2018 numbers will be updated when PSE LED Relight project is complete	75 Watt			PSE: 9										
	100 Watt			PSE: 670	PSE: 673	PSE: 676	PSE: 661	PSE: 662	PSE: 663	PSE: 614	PSE: 607	PSE: 630	PSE: 630	PSE: 654
	140 Watt			PSE: 8	PSE: 8									
	150 Watt			PSE: 164	PSE: 164	PSE: 168	PSE: 163	PSE: 162	PSE: 157	PSE: 138	PSE: 142	PSE: 100	PSE: 64	PSE: 46
	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
<b>WATER CONNECTIONS</b>	<b>System Id #491504</b>	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
<b>Total Water Connections:</b>		<b>5349</b>	<b>5254</b>	<b>5142</b>	<b>5038</b>	<b>4943</b>	<b>4829</b>	<b>4730</b>	<b>4626</b>	<b>4514</b>	<b>4450</b>	<b>4399</b>	<b>4318</b>	<b>4250</b>
<b>SEWER CONNECTIONS</b>		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
<b>Total Sewer Connections:</b>		<b>4913</b>	<b>4837</b>	<b>4702</b>	<b>4595</b>	<b>4471</b>	<b>4412</b>	<b>4298</b>	<b>4189</b>	<b>4099</b>	<b>4051</b>	<b>3980</b>	<b>3907</b>	<b>3796</b>
<b>SEWER: See Note C</b> Pipe	<b>Miles</b>	<b>59.7</b>	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
<b>WATER: See Note C</b> Pipe	<b>Miles</b>	<b>61.8</b>	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
<b>STORM: See Note C</b> Pipe	<b>Miles</b>	<b>31.3</b>	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 &amp; 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 (Andress 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 2007<sup>1</sup>, 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.<sup>2</sup> 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

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<sup>1</sup> 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].

<sup>2</sup> “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.<sup>3</sup> 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.

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<sup>3</sup> "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*

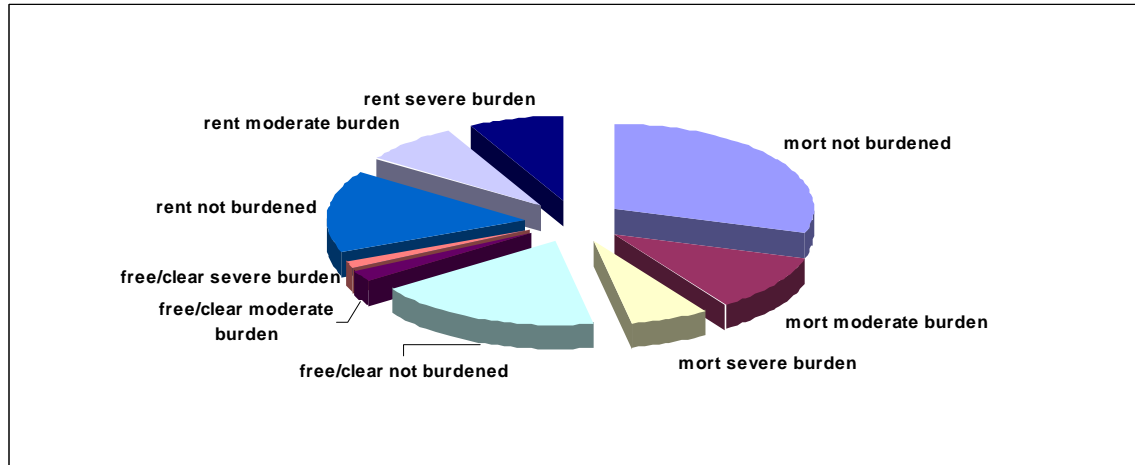
The ACS questionnaire captures the housing related expenses specified above as reported by the respondent. This reflects the expenses for the household.

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.



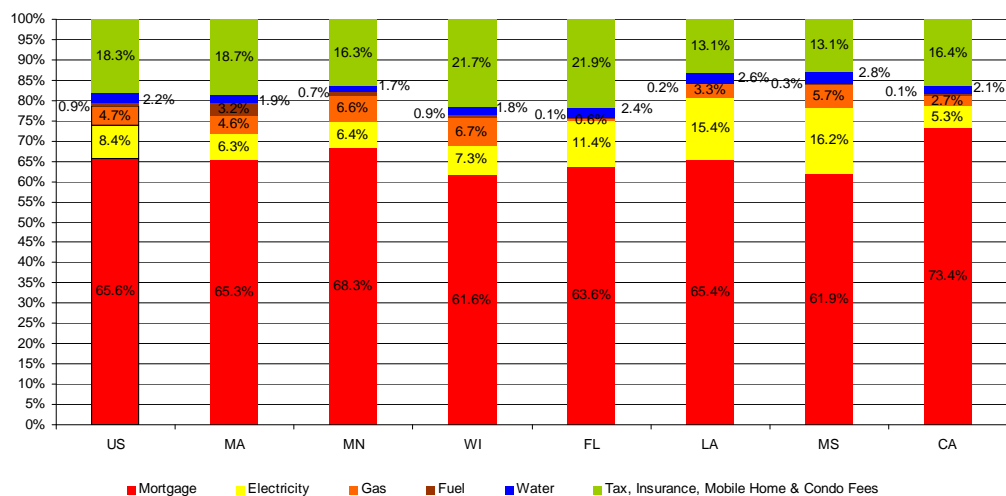
We will examine this characteristic for householders by age, race, Hispanic origin, and income. We will also display data on housing burden for different geographic areas.

**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**

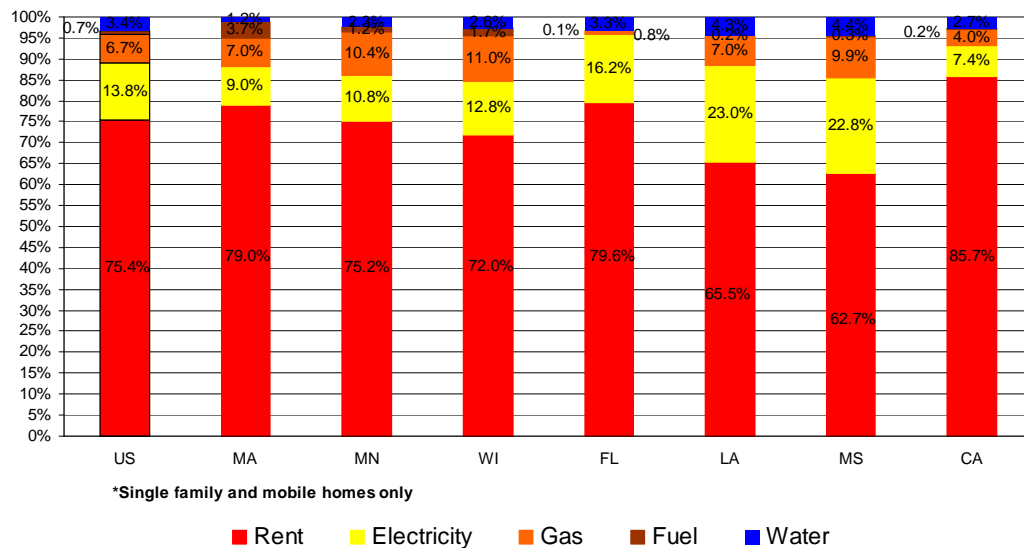


The relative contributions of the “components” of housing costs vary by state. For those units owned with a mortgage, the SMOC, or selected monthly owner costs, are comprised



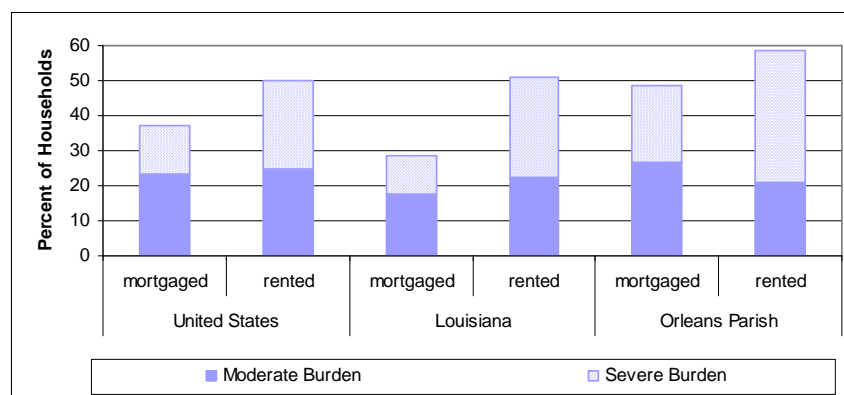
of mortgage, second mortgage, home equity loan or line of credit, utilities (electricity, gas, other fuels, water), real estate taxes, property insurance, and any mobile home costs or condominium fees that may be applicable.

**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).

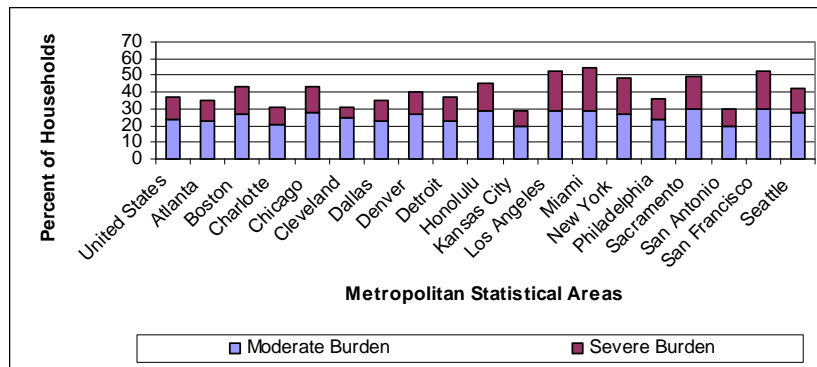
**Figure 4 – Housing-Cost Burden and Severe Burden for the US, Louisiana, and Orleans Parish : 2006.**



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.

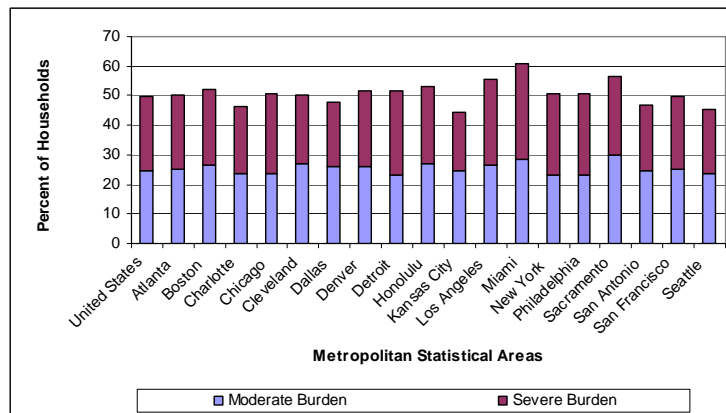


**Figure 5 – Housing-Cost Burden for Owners with Mortgaged Housing Units in Selected Metropolitan Areas: 2006**

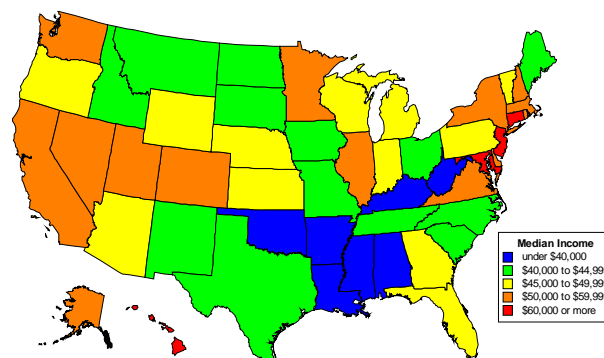


Figures 5 and 6 show variation in burden, moderate burden and severe burden for mortgaged and rented housing units in several metropolitan statistical areas (MSAs) and the US.

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



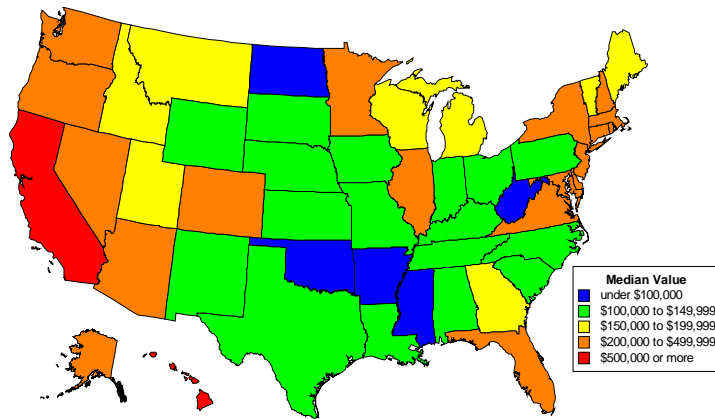
**Figure 7 - Median Household Income by State: 2006**



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

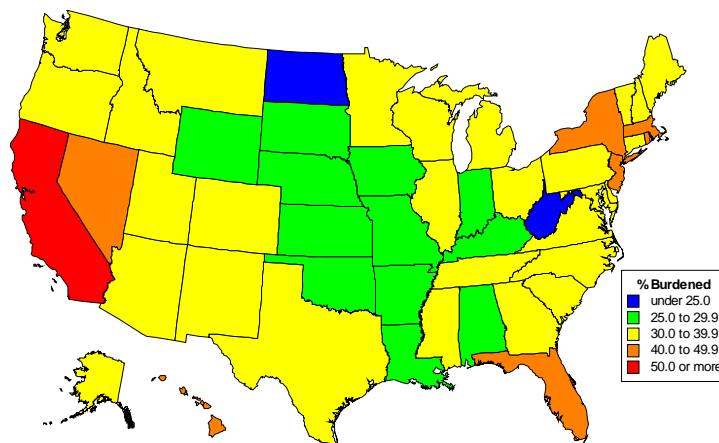


**Figure 8 - Median Property Value by State: 2006**



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

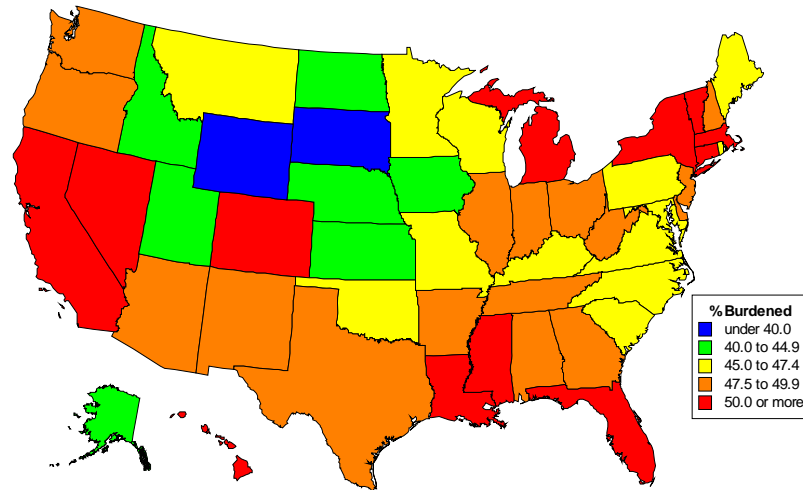
**Figure 9 - Housing-Cost Burden for Owners with a Mortgage by State: 2006**



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.

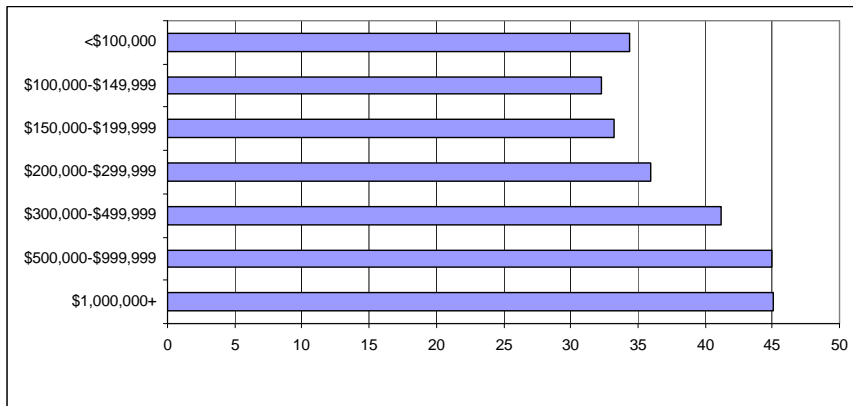


**Figure 10 – Housing-Cost Burden for Renters by State: 2006**



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

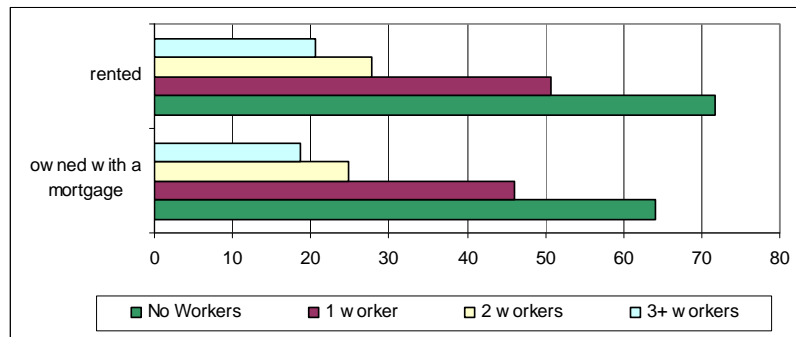
**Figure 11 – Housing-Cost Burden for Mortgaged Properties by Property Value: 2006**



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.

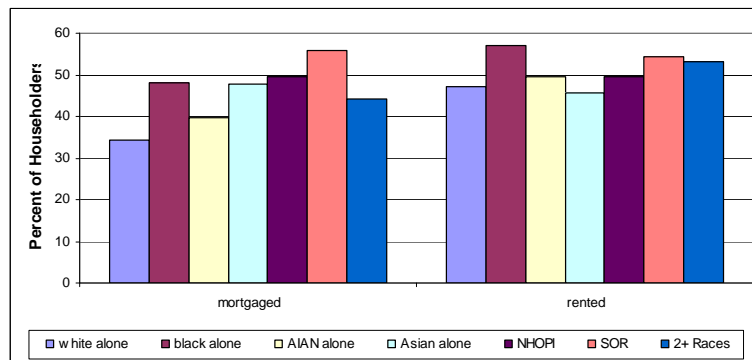


**Figure 12 – Housing-Cost Burden by Number of Workers in the Household: 2006**

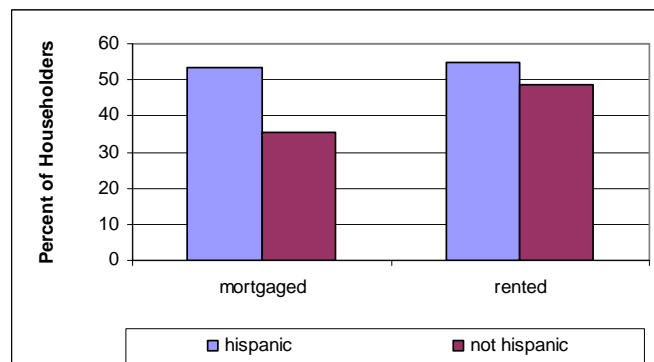


Households with no workers have the highest share of housing burden for both mortgaged and renter units. Households with three or more workers experience the lowest share of housing burden for mortgaged and renter units.

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



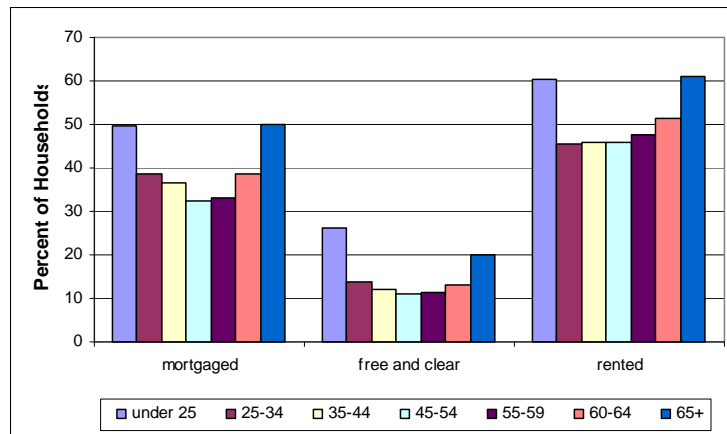
For mortgaged properties, householders with some other race had the highest share of housing burden. White householders had the lowest share of housing-cost burden.



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

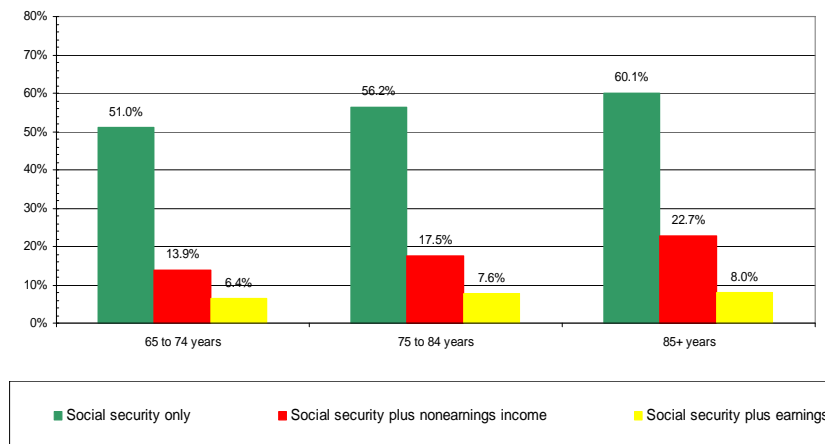


**Figure 14 – Housing-Cost Burden by Age of Householder: 2006**



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.

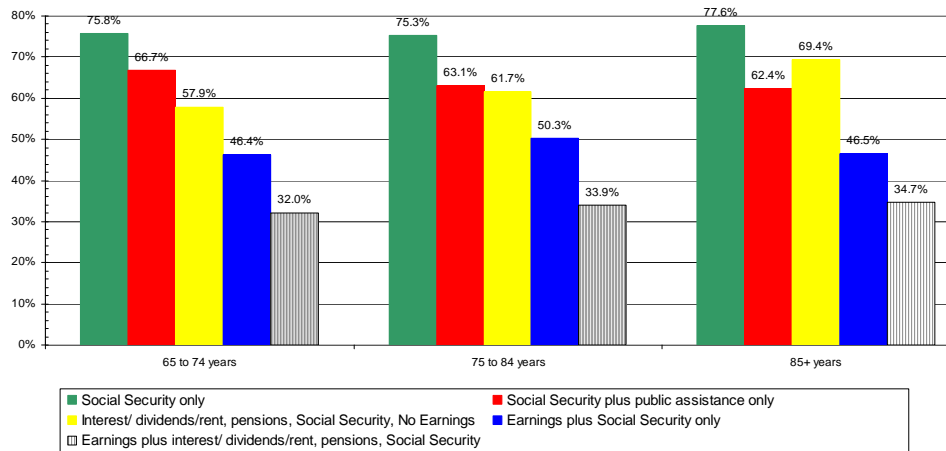
**Figure 15 - Share of Older Homeowners without Mortgages with Housing-Cost Burden by Age and Income Source: 2006**



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.

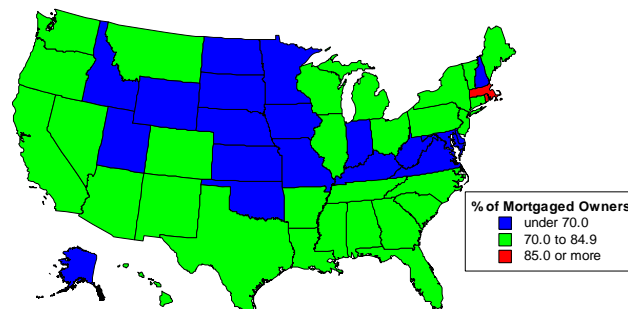


**Figure 16 - Share of Older Renters with Housing-Cost Burden by Age and Income**  
**Source: 2006**



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.”<sup>4</sup> 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.

<sup>4</sup> 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/>

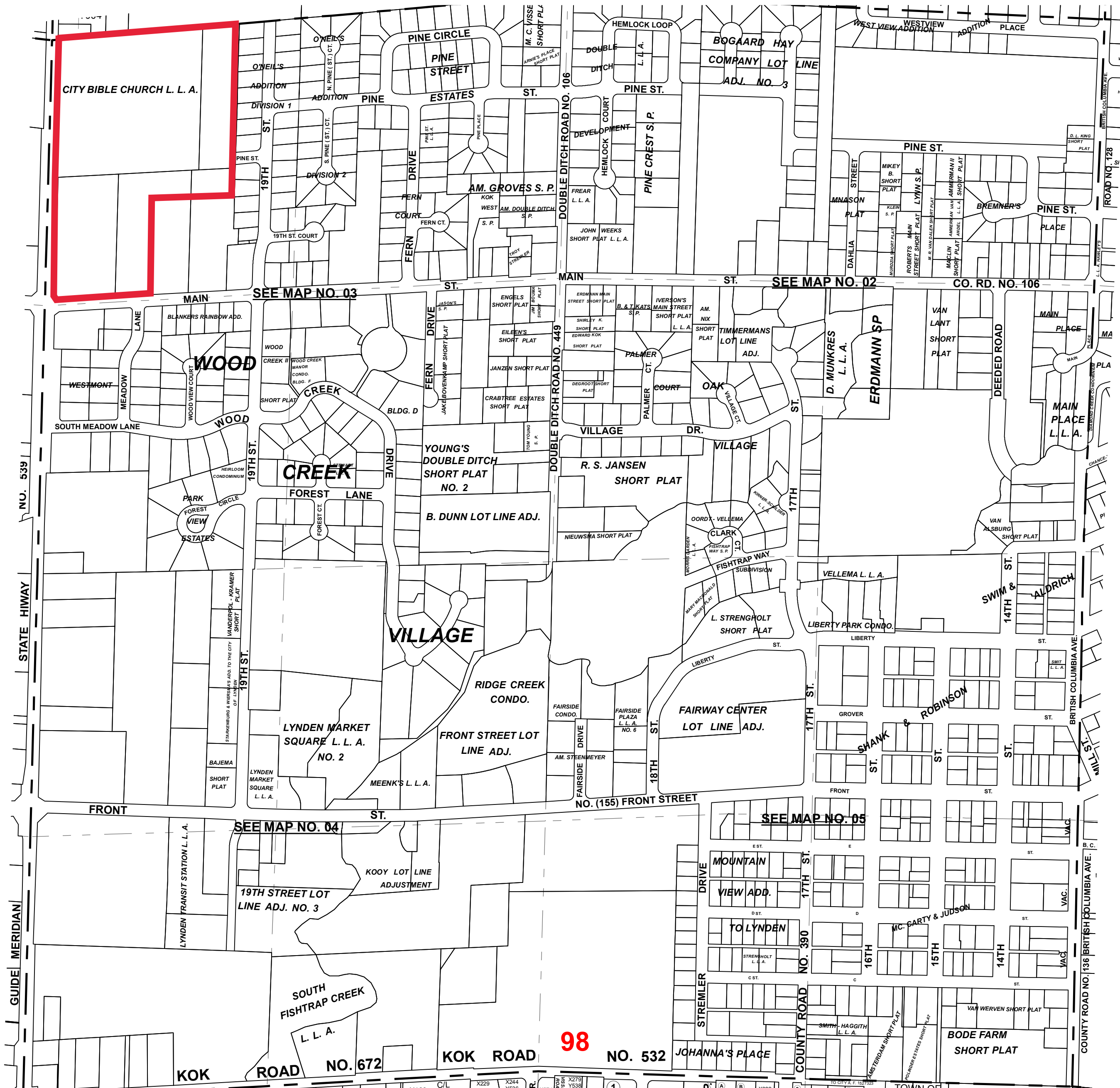
The 2006 Public Use Microdata Sample File (PUMS) can be accessed at <http://www.census.gov/acs/www/Products/PUMS/>

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.**





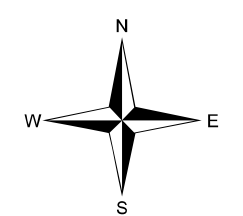
TOWNSHIP:  
40

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



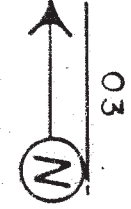


THIS MAP IS FOR  
ASSISTANCE IN  
PROPERTY LOCATION  
AND NOT GUARANTEED  
FOR ACCURATE  
MEASUREMENTS

REVISED  
24 OCT 2018  
Assessor's Office  
Whitcomb Co.

DATE  
4/11/56

SCALE  
1"=200'



MAP NO.

SECTION  
19

RANGE  
3E

TOWNSHIP  
40



**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 26<sup>th</sup> 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 26<sup>th</sup> DAY OF August, 2019.

Jeromy 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 STATUTES AND CITY SUBDIVISION AND ZONING ORDINANCES AND HEREBY APPROVE THE SAME.

THIS 27<sup>th</sup> DAY OF August, 2019.

Heidi Gudde  
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 28<sup>th</sup> 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  
AUDITOR OF WHATCOM COUNTY

By Yvonne R. [Signature]  
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.

Jeromy M. DeMeyer  
JEROMY M. DEMEYER, P.L.S. CERTIFICATE No. 50982  
NORTHWEST SURVEYING & GPS INC, 407 5TH STREET, LYNDEN, WA 98264

DATE 08-26-19

**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 CITY OF LYNDEN DEVELOPMENT STANDARDS.

THIS 27<sup>th</sup> 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  
CITY OF LYNDEN FINANCE DIRECTOR

DATE 08/28/2019

**RIGHT TO FARM COVENANT:**

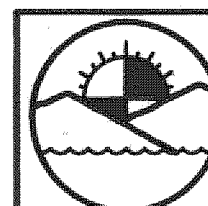
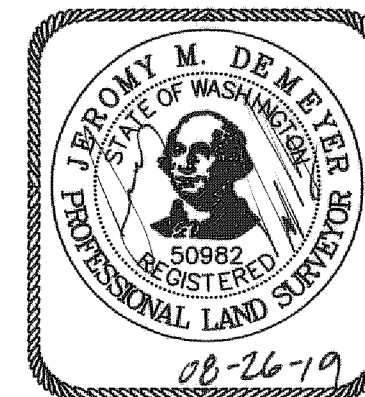
THE SUBJECT PROPERTY IS WITHIN OR NEAR DESIGNATED AGRICULTURE LAND OR FARM OPERATIONS UPON WHICH A VARIETY OF COMMERCIAL ACTIVITIES MAY OCCUR THAT ARE NOT COMPATIBLE WITH RESIDENTIAL DEVELOPMENT FOR CERTAIN PERIODS OF LIMITED DURATION. YOU MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM 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



# 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:**

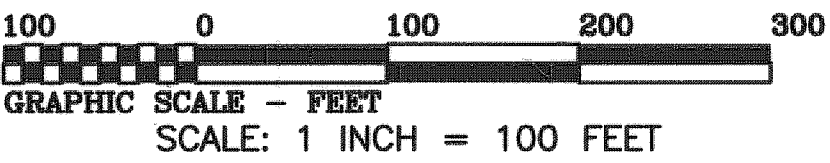
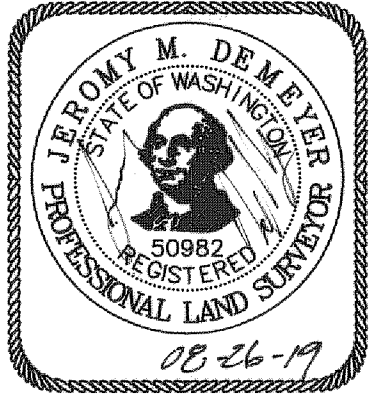
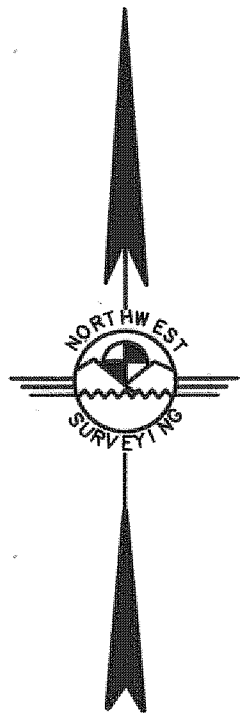
- "O" DENOTES 5/8 INCH REBAR WITH 1 INCH PLASTIC CAP MARKED "NWS & GPS 49276 & 50982" SET FOR LOT CORNERS IN JULY OF 2019.
  - "●" DENOTES CAPPED REBAR MARKED "LS.32430" FOUND BY THIS SURVEY.
  - "⊙" DENOTES BRASS DISC, FOUND BY THIS SURVEY.
  - "□" DENOTES HUB AND LATH SET FOR POINTS ON LINE.
  - "⊙" 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:**

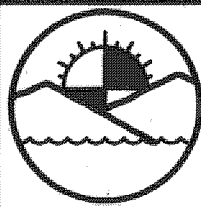
- A NORTH END OF FENCE LIES 0.5' WEST OF LOT LINE.
- B SOUTH END OF FENCE LIES 0.6' WEST OF LOT LINE.
- C NORTH END OF FENCE LIES 0.3' WEST OF LOT LINE.
- D FENCE CORNER LIES 0.6' WEST OF LOT CORNER.
- E FENCE CORNER LIES 0.6' EAST AND 2.1' NORTH OF LOT CORNER.

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





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 28<sup>th</sup> 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 28<sup>th</sup>, 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 - 1



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 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.

DECLARATION OF STORMWATER FACILITY EASEMENT  
WITH RIGHT OF RELOCATION - 3



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.** Invalidity 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 24<sup>th</sup> 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.

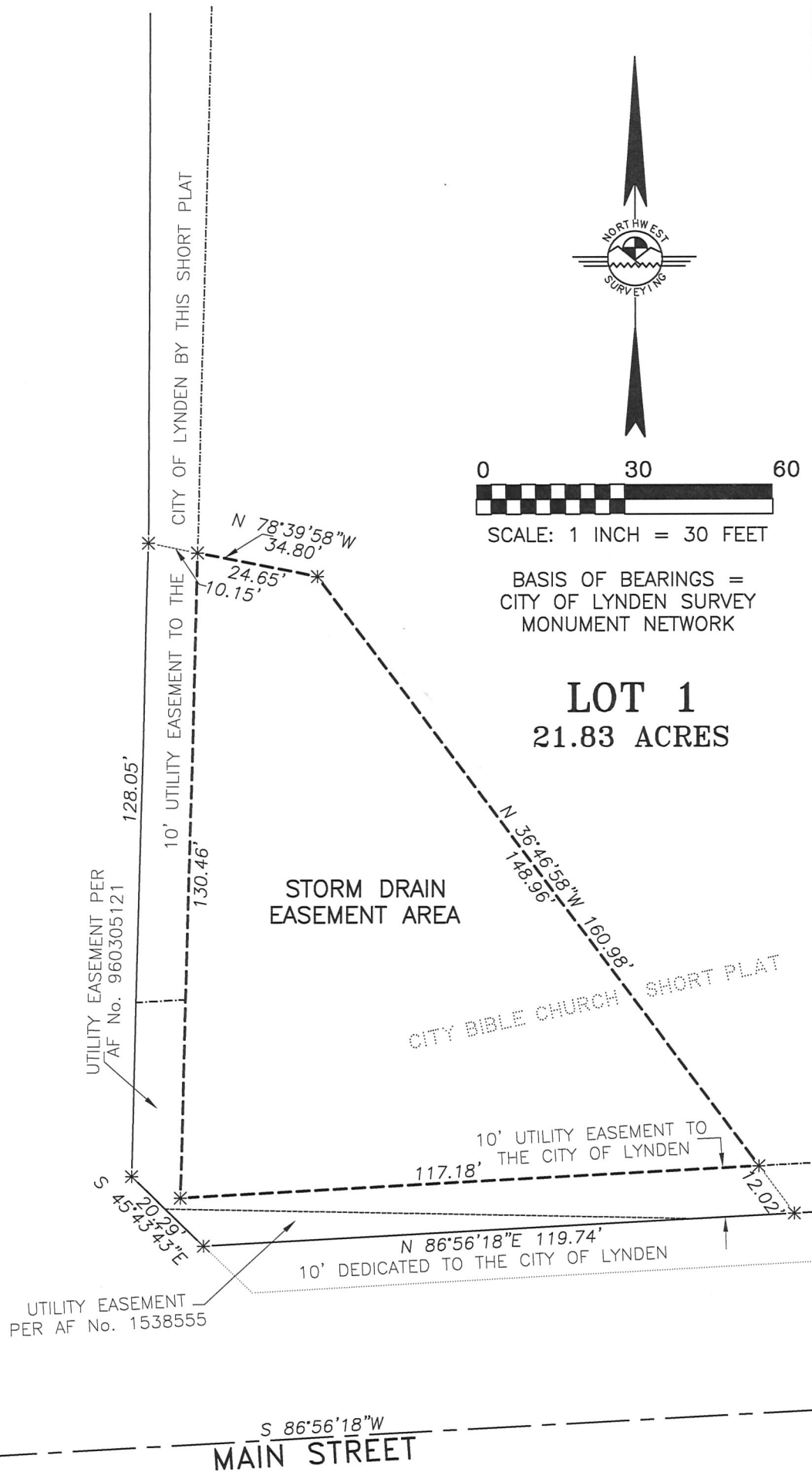


# EXHIBIT "A"

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







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 28<sup>th</sup> 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 28<sup>th</sup>, 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 28<sup>th</sup>, 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**".

DECLARATION OF EASEMENT - 1



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, its 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 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

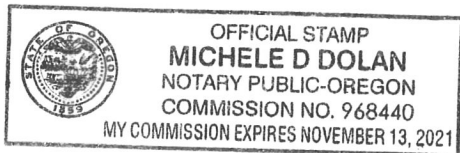
Its: Treasurer



STATE OF Oregon )  
COUNTY OF Multnomah ) ss.

On this 24<sup>th</sup> 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.

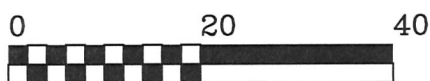


# EXHIBIT "B"

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



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

S 01°36'16"W 75.25'  
20' ACCESS EASEMENT AREA  
S 86°56'18"W 20.07'

75.25'

417.46'

N 01°36'16"E 502.75'

LOT 2  
4.80 ACRES