

CITY OF LYNDEN  
FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER

REGARDING the PROPOSED  
AMENDMENT OF PRD #94-1 by  
AARON DRIVE PROPERTIES, LLC

Petitioner

PRD Amendment #19-01

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, CONDITIONS and ORDER

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**I. SUMMARY OF DECISION**

AARON DRIVE PROPERTIES, LLC (“Property Owner”) is owner of the premises known as:

LOT 4, RB DEVELOPMENT, DIV. NO. 1, A PLANNED RESIDENTIAL DEVELOPMENT, ACCORDING TO THE MAP THEREOF, RECORDED IN VOLUME 19 OF PLATS, PAGE 21, RECORDS OF WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: 801 Aaron Drive, Lynden, WA

(Hereafter “Property”).

Pacific Surveying and Engineering has filed an application on behalf of the Owner to amend PRD #94-01, RB Development and Heritage Park PRD (“PRD #94-01”). The amendment would allow for the construction of a senior housing complex in one area of the PRD, the Property, which is already improved with apartment buildings known as Parkview West Apartments. The amendments are specific to the Parkview West Apartments parcel and do not apply to other parcels within the PRD.

Said application having come before the City Council of the City of Lynden on December 2, 2019 and again on March 16, 2020, and the Council having fully and duly considered said application, hereby find as follows:

**II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1.01 Application. Pacific Surveying and Engineering filed an application on behalf of Aaron Drive Properties, LLC which was accepted by the City as complete and containing all information required by LMC 17.19.010 July 31, 2019.

1.02 Location. The property is located on Aaron Drive east of its intersection with Bender Road.

1.03 Ownership. Aaron Drive Properties, LLC is the Property Owner.

1.04 Request. To amend PRD # 94-01, RB Development and Heritage Park PRD.

1.05 Reason for Request. To allow for the construction of a 41-unit age-restricted housing building on the Property.

1.06 Planning Commission Recommendation. An open record hearing was held before the Planning Commission on October 10, 2019, at the City Hall Annex located at 205 4<sup>th</sup> Street, Lynden, WA. The Lynden Planning Commission recommended denial of the rezone application in Resolution 19-04. On December 2, 2019, the Lynden City Council remanded the request back to the Planning Commission for further proceedings to allow the Commission to consider potential conditions of approval. On February 27, 2020, the Planning Commission held the remand hearing and recommended approval of the revised RB Development and Heritage Park PRD Amendment as outlined in Planning Commission Resolution #20-02.

1.07 SEPA Threshold Determination. PRD #94-01 was issued a Mitigated Determination of Non-Significance. This application is within the scope of the original determination.

1.08 Existing PRD Development.

Density. PRD #94-01 is presently developed with a total of 341 dwelling units. Of these, 85 are in the Christian Healthcare Center (based on 57 semi-private suites and 28 private suites per LMC 17.01.030), a skilled nursing facility, 109 are in Lynden Manor, an assisted care facility, 40 are in the Lynden Manor Townhome Condominiums, 64 are in the Heritage Park Estate Condominiums, and 45 are in the Parkview West Apartments. PRD #94-1 was originally allocated 437 dwelling units, leaving the potential for up to 96 additional dwelling units for future development.

Setbacks and Bulk. Other buildings in PRD #94-1 are set back 25 feet from the right of way.

1.09 Existing Development on the Property. The Property is improved with the Parkview West Apartments. The Parkview West Apartments are in two buildings, each two stories tall. There is a total of 45 units between the two buildings, which have one, two, or three bedrooms. The one-bedroom units are over 680 square feet; two and three bedroom units are larger. Aside from the apartment buildings, the Property is developed with covered and uncovered parking, storage lockers, and green spaces. The Parkview West Apartments are not age-restricted.

1.10 Proposed Project. The applicants proposed to amend PRD #94-1 to allow development of a 41-unit, 4-story, age-restricted senior housing apartment building. Units would be a combination of one bedroom and studio apartments. The building would be constructed on the Property between the existing apartment building and the street. Amenities would include a central elevator. The building would be set back from Aaron Drive only 20-feet, but the

applicant proposed to design the building with architectural articulations that are set further back and to install landscaping with small canopy trees, evergreens, shrubs, and low ground covers. Aside from the requested amendments to PRD #94-1, the applicants proposed to fully comply with the Lynden Municipal Code, including by providing the requisite amount of parking per 19.51.040 LMC as well as guest parking stalls.

1.11 Proposed Amendments. The applicants proposed the following amendments to PRD #94-1:

1. Reduce the front setback from 30 feet as currently required to 20-feet.
2. Increase the current permissible height from two stories to 41-feet.
3. Remove the cap on the number of residential units per building allowed on the Property.
4. Remove the requirement that each unit on the Property be provided with a 32-square-foot storage space. The applicant did not propose to eliminate existing storage, but cannot provide it for the 41 new units.
5. Reduce the open space requirement on the Parkview West parcel from 30% to 25%.

1.12 History of Amendments. A number of amendments have already been made to PRD #94-1. Some elements of PRD #94-1 that the applicants seek to amend now were previously amended:

1. The front setback was originally 45 feet. City records indicate that it was subsequently reduced to 30 feet.
2. The height of buildings on the Property was originally limited to 45 feet. On October 7, 1996, the City Council approved Amendments B1 and B2, but imposed the condition that the buildings be only two stories tall.
3. Originally, 152 units were assigned to be shared among Lots 3, 4 (the Property), and 5 and 6 of PRD #94-1. A note indicates that 32-44 units were anticipated per building, but it is unclear whether that was intended to be a hard cap. Later, also in its approval of Amendments B1 and B2, the City Council limited each building on the Property to 30 units, but did not change the allocation of the number of densities for the Property or PRD #94-1 as a whole.

1.13 Applicable Code Provisions. PRDs are governed by Ch. 19.29 LMC. LMC 19.29.120 lays out when a PRD may be amended and the procedure for amendment. This application meets the criteria in LMC 19.29.120(B). The process for amending it is in LMC 19.29.100, which is the same process for approving a new PRD. An application to amend a PRD must meet the minimum development standards in LMC 19.29.060(A) through (I) or one of the exceptions listed in LMC 19.29.060(J). In addition, it must meet the approval criteria in LMC 19.29.110, specifically at least two criteria in subsection (A) and both subsections (B) and (C).

1.14 Public Interest. The application results in additional infilling within the City consistent with the City's Comprehensive Plan and the Growth

Management Act. The public interest will be served by the approval of the application.

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

#### **IV DECISION**

Petitioner's application to amend PRD #94-01, RB Development and Heritage Park Planned Residential Development described herein is approved as presented at the remand hearing and outlined in the attached Planning Commission Resolution #20-02 (Exhibit A). The amendment is also subject to the applicable conditions of the report by the Technical Review Committee issued September 17, 2019 (Exhibit B) and subject to the terms of a final development contract. This approval will be considered preliminary until the applicant finalizes the associated development contract and CC&R's. Both documents must return to the Planning Commission and Council within 12 months.

DATED: \_\_\_\_\_

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Scott Korthuis  
Mayor

