

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #19-03

A resolution of recommendation for approval of the Planned Residential Development (PRD) Amendment # 19-01 for RB Development, to the Lynden City Council.

WHEREAS, Pacific Surveying and Engineering, Inc, hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called the "City," for an amendment to the RB Development Planned Residential Development (PRD). The amendment would allow for the construction of a senior housing complex on the Property, which is already improved with multiple apartment buildings.

WHEREAS, the application was determined to be complete on July 31, 2019, and the notice of application was published in the Lynden Tribune on August 14, 2019; and

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

WHEREAS, an open record hearing was held before the Planning Commission on October 10, 2019, at the City Hall Annex located at 205 4th Street, Lynden, WA. The Planning Commission recommended denial of the PRD Amendment application as outlined in PC Resolution 19-04.

WHEREAS, on December 2, 2019, the said application went before the Lynden City Council, and the Council having fully and duly considered the amendment application, the Planning Commission recommendation, and Staff conditions.

WHEREAS, Council found that since the Planning Director did not supply a recommendation to the Planning Commission at the October 10 meeting, the Commission could not have considered staff's conditions which were proposed to the Council. Council agreed that they would benefit from the Planning Commission's review of the Directors proposed conditions, as well as the Planning Commission's recommendation on whether or not such conditions should result in approval, prior to Council making a final decision on the application.

WHEREAS, on January 7, 2020, the Lynden City Council issued a Remand Order to the Planning Commission for further proceedings as attached.

WHEREAS, on February 12, 2020, the legal notice for the remand hearing was published in the Lynden Tribune and the proponent sent certified mailings of said notice to all property owners within three hundred feet of the subject property; and

WHEREAS, the Lynden Planning Commission held a public hearing on February 27, 2020, at the City of Lynden, City Hall Annex, 205 4th Street, Lynden, Washington, to accept public testimony on the proposed PRD Amendment request, and that meeting was duly recorded;

WHEREAS, the revised request now has a unit count of 41 units rather than 50. The maximum building height has been reduced to 41 feet rather than 45 feet. The

front setback has been increased to 20 feet rather than 15 feet. Pedestrian improvements along Aaron Drive have been suggested which could include enhanced crosswalks and traffic calming measures.

WHEREAS, the Lynden Planning Commission has reviewed the staff conditions as well as the revised request for the proposed PRD Amendment as required under LMC 19.29.060(J) where code requires that the project meet one or more of the five criteria listed there. And found that a majority of Planning Commissioners agreed the request satisfies the criteria listed below:

19.29.060 (J)(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; and

19.29.060 (J)(4): The modification of building height (subject to 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;

WHEREAS, the Lynden Planning Commission has also reviewed the staff conditions and the design criteria under LMC 19.29.110 where code requires that the project meet two or more of the seven criteria. A majority of the Planning Commissioners found that if the proposed transfer of unused units from other areas of the PRD to the subject property is found to be legally permissible under LMC 19.29.120, the request satisfies the criteria as described below:

19.29.110(A)(2): Achieving the allowable density for the subject property; and

19.29.110(A)(3): Providing housing types that effectively serve the affordable housing needs of the community.

WHEREAS, the Planning Commission agreed that the motion was conditioned on a supportive legal interpretation of the transfer units within the PRD. So that if the transfer of units is determined to be prohibited, the request does not satisfy the criteria as described in LMC 19.29.110(A)(2) and should not continue as proposed.

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend approval by a vote of 4-2 of the request to amend the RB Development Planned Residential Development on the condition stated above.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their meeting held the 27th day of February 2020.

Diane Veltkamp, Chairperson,
Lynden Planning Commission

Heidi Gudde, AICP
Planning Director