

John A and Marie Gillies

208 South Garden Drive, Lynden, WA 98264

February 20, 2023

Ms. Heidi Gudde, Planning Director
300 4th Street
Lynden WA 98264

RE: Comments regarding the Moa Short Plat, Auditors File No. 2021-0200084

Dear Ms. Gudde,

I received a mail notice last week concerning the subject short plat located in the vicinity of 1181 E Grover Street requesting rezone from RS-100 to RM1 . I have resided at 208 S Garden Drive since August 1978. My understanding of the situation is that Klinton and Narissa Moa purchased the subject property from Mr. Geleynse a few years ago and that the property consisted of a single lot with one single -family residence, zoned Residential (RS-100). After the purchase, the Moas short-platted the property into three lots zoned RS-100. Subsequent to the short plat, the Moas applied for a permit in accordance with Chapter 19.20 of the Lynden Municipal Code to construct a single family residence with an accessory dwelling unit on Lot C. Section 19.20.020 para J. of the city code states the following:

- *the primary residence or the ADU must be owner occupied. A perpetual covenant against the property, approved by the planning department must be signed by the owner and recorded with the Whatcom County Assessor's Office which specifies this requirement.*

My understanding is that the required covenant was signed by the property owners and approved by the city planning staff. It is also my understanding that the owners do not live in either the primary residence or the accessory unit on Lot C. It is also my understanding that the original Geleynse residence, now lot A, had an accessory unit in the basement for Mr. Geleynse's daughter, but now both of these units are offered for rent.

Because the Moas are not complying with the accessory dwelling unit requirements for the new construction, they now are requesting a rezone to RM1 (multi-family) and not just for Lots A and C but also for Lot B which currently has no dwelling unit and is zoned RS-100. In effect, the Moes are requesting a reward for completing a project which resulted in non-compliance with existing regulations in the RS-100 zone. They want to be forgiven for their transgressions with no real consequences and up-zoned to RM1, a substantial economic benefit. This forementioned scenario sends the wrong message to the development community that abides by rules. It basically says, "seeking forgiveness is easier than asking permission."

I suggest a few remedies to this situation:

1. Require that the Moes either live in the residence that they constructed (as they said they would) or that they be required to sell the residence to a party that will abide by the accessory dwelling unit requirements.



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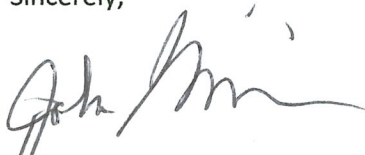
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2. Do not approve the rezone of the existing vacant lot B. All surrounding contiguous lots north of E Grover St and east of Vinup Rd are zoned single family residence. The incursion into this zone, instigated by non-compliance, should be discouraged. I recommend that the vacant lot B remain in the RS-100 zone. The location of the driveway entrance for this lot is at the apex of the Grover Street, Vinup Road corner. Sight distance is definitely limited and it becomes more of an issue with multiple families using this entry point.

If the Moes desired that the Geleyne property be rezoned to RM1 they should have by-passed the short-plat process and worked up a multi-family project plan for the entire original lot and presented it to the city for review and approval. This after-the-fact "repair by approval" of a situation that should not have occurred must be discouraged by the planning Department and City Council.

City staff informed me and I have also read about, the State's desire to see more flexible requirements by local jurisdictions for single-family residential lot density increase. I agree with this as it helps to reduce sprawl and it serves as a means to accommodate our ever increasing population. But please don't use these new state mandates as cover to approve and augment non-compliance. The Moes disregarded clearly stated, existing regulations. The city should not tolerate such behavior.

Sincerely,



John Gillies