

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #19-01

**A resolution of recommendation for the approval of the
Young's Long Plat and Development Standards Variance**

WHEREAS, Joan Kayser on behalf of the Jack and Josephine young Living Trust, hereinafter called the "Proponents," submitted a complete application to the City of Lynden, hereinafter called "the City," for the subdivision of approximately 3.35 acres into 7 single family residential building lots at 8323 Double Ditch Road in Lynden.

WHEREAS, running concurrently with the long plat application, the applicants are also seeking a development standards variance requesting that the proposed cul-de-sac serving their plat to exceed the maximum length of 450-feet as noted under LMC 18.14.100 (C).

WHEREAS, the RS-100 zone, permits single-family homes only on lots with a minimum of 10,000 square feet subject to the requirements listed under 19.15.060 of the Lynden Municipal Code in accordance with the zoning and subdivision ordinances; and

WHEREAS, the application was determined complete on May 8, 2019, and the notice of application was published in the Lynden Tribune on May 22, 2019; and

WHEREAS, the Proponent has provided the City with receipts for the certified mailing of all required notices to all property owners within three hundred feet of the subject property together with the affidavits of posting said notices; and

WHEREAS, the proposal was reviewed under the State Environmental Policy Act and a mitigated determination of non-significance was issued for the project, and

WHEREAS, the Lynden Planning Commission held a public hearing on July 11, 2019, at the City of Lynden, City Hall Annex, 205 4th Street, Lynden, Washington, to accept public testimony on the proposed subdivision and that meeting was duly recorded;

WHEREAS, the City's Technical Review Committee has reviewed the request for the subdivision of the property and has provided comments and recommendations to the Planning Commission in a report dated June 26, 2019, and

WHEREAS, the Lynden Planning Commission has reviewed the criteria listed in LMC 17.17.040 regarding the Development Standards Varaince and has found the following to be true:

- A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity in which the property on behalf of which the application was filed is located;
- B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with rights and privileges permitted to other properties in the vicinity in which the subject property is located;

- C. That the granting of such a variance will not be materially detrimental to the public health, safety and general welfare; and
- D. That the granting of such a variance will not be injurious to the property or improvements in the vicinity and zone in which the subject property is located.
- E. That the variance request is based on sound engineering judgement and includes additional mitigation sufficient to offset adverse impacts to the public interest likely to result from granting the variance.”

WHEREAS, the Lynden Planning Commission has reviewed the application and has made the following findings of fact for recommending **approval** the Young’s Long Plat and Development Standards:

1. The development is consistent with the Comprehensive Plan and meets the applicable requirements and intent of the Lynden Municipal Code.
2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds.
3. The development adequately mitigates impacts identified under Titles 16-19.
4. The development is beneficial to the public health, safety and welfare and is in the public interest.
5. The development does not lower the level of service of transportation and / or neighborhood park facilities below the minimum standards established within the Comprehensive Plan, and fully complies with Chapter 17.15 of the City Code.
6. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development and are proportional to the impacts created by the development.

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend approval of the **Young’s Long Plat and Development Standards Variance #19-01** by a vote of 5-0, to the Lynden City Council, subject to the Technical Review Committee Report dated June 26, 2019 and further subject to the following condition:

- That tree numbers 36-43, 44-51 and 90-92 of the Kayser Tree Inventory conducted by Aubrey Stargell, Certified Arborist dated June 24, 2019, be retained unless deemed to be unsafe or in poor health by a licensed arborist. If these trees are removed, they must be replaced with 5-foot to 6-foot native conifers per SEPA Determination #19-05.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their regular meeting held on the 11th day of July 2019.



Tim Faber, Chairperson
Lynden Planning Commission



Heidi Guddé,
Planning Director