



PLANNING COMMISSION MEETING MINUTES

7:00 PM June 9, 2022
Microsoft Teams Meeting

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Blair Scott, Jim Kaemingk, and Khush Brar

Absent with notice: Bryan Korthuis, Darren Johnson, and Hollie Lyons with notice.

Staff Present: Gudde, Planning Director and Samec, City Planner

3. APPROVAL OF MINUTES

A. March 24, 2022

No quorum present to approve the minutes. Move approval to next meeting.

4. DECLARATION OF CONFLICT

None of the other Commissioners reported any ex-parte contact or conflict of interest.

5. PUBLIC HEARING - Quasi-Judicial Item

A. MPRD #20-01 – Step 2 of 2, Lions Gate, 1990 Main Street, Lynden

Faber opened the public hearing.

Gudde stated that the subject Property zoning became effective after Step 1 of the subject MPRD was approved by Lynden City Council, in September 2020. The MPRD and rezoning approvals (Planning Commission Resolution #20-06, #20-07, and City Council Ordinance #1608 and Findings of Fact for MPRD #20-01) laid out the conditions of approval for Step 2 of the MPRD. These conditions of approval included compliance with Chapter 19.16 RMD zoning, and Chapter 19.29 PRD overlay within the Lynden Municipal Code, but also provided flexibility from the standard code requirements in certain areas, mostly related to lot size, housing type and road standards.

The concept approved in Step 1 of the Planned Residential Development (PRD) approval process included up to 134 housing units that incorporated detached and paired (zero-lot line) single-family housing types as well as the potential to include some attached housing types such as duplex, tri-plex, or four-plex structures. Tonight, the request for Step 2 of the process includes the requests to develop 21.83 acres into 108 lots, containing 129 residential units within the RMD zone. Neighborhood layout, lot sizes, street widths and maximum unit counts have been previously established with the approval of Step 1. Step 2 review includes development standards such as building setbacks and height, street design within the approved layout and widths, and pedestrian movement.

The Lionsgate's MPRD Step 2 approval seeks to establish development standards – some of which require deviation from the minimum standards listed in 19.29.060. This includes building setbacks, perimeter setback, and the design of the private alleys as follows:

Design of private alley: 24-foot total width, 15-foot wide drive lane, thickened concrete edge, fence and structure setbacks to allow for better visibility.

MPRD Perimeter Setback: 20-feet on the north, the east, most of south perimeter. 75-feet along most of the west perimeter with 3 lots (96-99) using a side yard setback of 7 feet along the Guide Meridian. 3 lots (1, 19, 20) on south property line reduced to a 7-foot side yard adjacent to RAC.

Gudde stated that Staff is supportive of the request, subject to the Staff Report and conditions outlined in that document:

- 1) Pedestrian Access Easements: In addition to the planned public right-of-way dedications (streets and sidewalks), additional public pedestrian access easements will be required as needed to allow public pedestrian access movement from the northeast corner of the project to the southwest. Easements must appear on the face of the final plat and will be noted as a link within the City's public trail system.
- 2) Side Yard Setbacks: The final development contract must increase the side yard setbacks on lots 98-108 so as not to conflict with the 10-foot utility easement located along the public road frontage. Note that vertical encroachment of eaves into utility easements cannot occur without approval of the Public Works Director.
- 3) Critical Area Mitigation: Required implementation of May 9, 2022, Mitigation Plan developed by Northwest Wetlands Consulting, LLC as well as the posting of maintenance bonds in association with continued establishment of mitigation plantings along the western property line. Long term maintenance must clearly be outlined within the developments Covenants, Conditions and Restrictions (CCRs) as the responsibility of the homeowner's association.
- 4) Alley Design: Alley standard must utilize a thickened concrete edge along both sides to edge the drive lane on all alleys. Design and management of the unpaved areas within the easement must be addressed within the property CCRs. This must include, but is not limited to, defining the potential allowances for parking and permitted surfaces off of the alley drive aisles. Long term maintenance and the management of parking restrictions must be clearly outlined within the developments Covenants, Conditions and Restrictions (CCRs) as the responsibility of the homeowner's association.
- 5) Alley Setbacks: Alley setbacks of fences and garages as well as rear yard of homes must be consistently described and measured from the edge of alley pavement so as to be easily and consistently enforceable.
- 6) Final Contract and CCRs: A final development contract, with all exhibits, must be presented to the Planning Commission for review and the City Council for approval within one year following approval of Step 2 of the MPRD. This contract must include specific

development requirements based on the MPRD approval and all special conditions and approvals applied to the property within the MPRD. This development contract, related exhibits, and any amendment approved pursuant to 19.29.120(2) shall be recorded in the Whatcom County Auditor's Office. The Covenants, Conditions, and Restrictions (CCRs) for this development must be submitted simultaneously with the development contract and is also subject to staff review and approval by the City Council.

Gudde reviewed the Planning Commission conditions that were placed on the project at the meeting held in August 2020. It appears as if all conditions have been addressed.

1. That the maximum unit count be no more than 134 units.
2. That paired housing lots be a minimum of 3000 square feet, single family detached lots a minimum of 4000 square feet and single family detached lots adjacent to green space be a minimum of 3500 square feet.
3. That there be a variety of townhomes and 4-plex units with the 4-plex units being permitted along the Guide Meridian only.
4. That the reference to open spaces between the duplex / 4-plex buildings along the west side of the development be removed and considered part of the lot.
5. That zero lot lines be added to separate the townhome lots south along Main Street.

Speaking in Favor:

Ali Taysi, AVT Consulting LLC, Agent, 1708 F Street, Bellingham

Taysi thanked both Staff and the Planning Commission. Bruce Wood, representative for the church ownership is also present.

Taysi touched on the history of the property. In 2019, a short plat was completed to segregate a large parcel off for the Ridnour Activities Center to preserve the existing building. The new parcel was sold and is now occupied by the RAC.

After completion of the short plat, the applicants proposed a project on the remaining site, Phase 1 MPRD - consisting of approximately 134 residential housing units, with large detached single-family lots, medium and small sized detached single-family lots, attached duplexes, fourplexes and townhomes.

The project included new public and private streets, open spaces, and a trail system, as well as new water, sewer and storm water infrastructure. In conjunction with the project proposal, which was presented as a Master Planned Residential Development (MPRD), the applicants proposed a rezone of the property from RS to RMD, in order to facilitate the density and the mix of housing types. The overarching vision for the project was and still is to provide a residential development that includes a variety of housing types, on varied lot sizes, with opportunities for homeownership and rental, at varying price points. Developing a mixed neighborhood like this provides opportunity to address Lynden's housing needs across

multiple demographics. The design consciously addressed concerns that were raised by neighbors in the planning process, particularly related to protection of the existing large lot single family neighborhood to the east.

As Gudde mentioned, the Planning Commission made 5 recommendations during the hearing for Step 1. After that meeting the project team redesigned the project to comply with those recommendations.

- Reduced lot count and unit count.
- 108 Lots and 129 units.
- Increased critical areas buffer to 75'.
- Reduced fourplex lots along Guide to triplex.
- Townhouses along Main St.
- All small lots situated on open spaces.

The project incorporates publicly accessible trail system, new public roads, new utilities, storm water facilities, large open space areas. Exceeds code requirements for open space. Provides innovative site design with many alley loaded lots which reduces curb cuts resulting in better design and safer streets.

Taysi stated that the applicants are requesting limited modifications:

- Alley width reduced to 15'. Alleys will be private, only for vehicles, not garbage. Modification is consistent with criteria in LMC, as detailed in the staff report. Improves character of the neighborhood.
- Setback reductions. For alley loaded lots and for lots on north end. Lots on north end have large front and rear yard setbacks, due to perimeter setback. Requesting reduction of perimeter setback to allow for more room for homes. This will facilitate better design. Alley loaded lots requesting reduced rear yard setbacks to the alley for garages. Maneuvering detail in packet, to address safe visibility and maneuvering for vehicles using the alley to access garages.

Taysi stated that public comments were mostly related to traffic, stormwater and appropriateness of project zoning.

Traffic study for this project was prepared by a licensed professional. The road network has been designed to meet City standards for travel lane widths, the primary access road has been designed to direct traffic into the site, away from 19th St. Traffic will still exit to 19th St, but a complete traffic analysis has been conducted and has determined that all streets and intersections will operate at adopted levels of service with the post project traffic.

Stormwater is major concern for neighbors in the area. The project team includes a civil engineer and local contractor from Lynden who are familiar with the regional storm water issues and are actively working to design project infrastructure to address the potential for impacts from the project. All storm water from the site (roofs, driveways, sidewalks and roads) will be captured and detained in an on-site vault and will be released at a controlled rate to the

existing conveyance system to the south and west. No stormwater will be discharged to the east towards existing development.

As Gudde mentioned as a condition is that an interceptor swale will be required along the entire north property line, which is intended to capture surface water flow and shallow ground water flow from the north, and then route west to the ditch along the Guide Meridian. This will reduce water that is currently flowing onto the site and impacting neighbors to the east. Taysi stated that the applicants are committed talk with the neighbors during the construction design phase of the project to identify other stormwater mitigation measures that could be implemented to address concerns. Taysi stated that many of the stormwater issues in the area are regional in nature and demand regional solutions, and the project is designed to meet all applicable standards and will not exacerbate the existing issues.

Coordination of access and storm water improvements with the Ridnour Activities Center property are required as easements and stormwater facilities are currently shared.

Appropriateness of project/zoning. The rezone has been approved and is not the subject of this meeting or this stage of review. Project has been designed to be consistent with the RMD zoning, as well as meeting all of the conditions of the MPRD Phase 1, including density, lot size and configuration, critical areas and other requirements.

Taysi stated that the team has reviewed and are comfortable with all conditions in the Staff Report as well as the Staff recommendation. No problem with compliance.

Staff stated that the stream that runs along the Guide Meridian ditch has a standard 100' buffer along most of the property's west boundary. The project proposes to reduce this buffer to 75' using a 25% reduction permitted through mitigation (LMC 16.16.380(H)). Mitigation will be provided for this reduction through enhancement of the remaining buffer, which is currently degraded. This buffer area will also be placed in a permanent open space tract with a conservation easement restricting it for preservation purposes. This stream enters a piped conveyance system along the southern 1/3 of the property frontage along the Guide Meridian, and in this location, there is no buffer applied. Upgrades to this culvert under Main Street are included on the City's stormwater infrastructure projects in association with the widening of the Guide Meridian.

Scott asked about the seven-foot setback to the alley. How do you envision parking? Taysi stated that on street parking in front of the homes will accommodate guest parking. Someone could also put a gravel parking pad next to their garage if they wanted to.

Talking about the swale on the northside along with a reduced setback what type of yard will they have? Proposing 15-feet in the rear is not a lot. Taysi, there will still be room for a back yard. One does not have to build all the way up to the 15-foot setback line. It just leaves flexibility for design. Faber also expressed some concern with a 15-foot setback to the swale. May be more comfortable with maintaining the 20-foot rear yard setback.

Faber asked about parking requirements. Gudde stated that PRD parking allows garage bays to be counted towards their parking requirement. A third stall could be added off of the alley. Guest parking would be on the street.

Brief discussion regarding the width of the proposed alley. Gudde noted that the alley will be used for accessing garages. Guests will not use the alley. Also, Nooksack Valley Disposal was asked to comment on the proposal, and they will be collecting garbage from the street, not interested in collection from the alley.

Scott addressed the possible swale along the north property line and asked, how deep will the swale be? Taysi stated that calculations are still needed.

Steve Banham, Public Works Director

The city is aware that flooding and stormwater are a significant concern to residents in this area. Banham stated that capacity calculations will be needed and then it can be adequately sized for the flow. Staff will be talking to the applicants engineer. Banham stated that the ditch will be larger than just a swale.

Scott asked, is it possible that the swale / ditch could be located via a pipe underground instead of in a ditch? Banham stated that it is possible and may be an option. It will need to be discussed with the engineers.

Flooding in this area is predominantly caused by overland flow. The city is working with WSDOT to increase the size of multiple culverts that flow from this site. This includes the culvert under Main Street, a second culvert under the Guide Meridian flowing west, and replacement of the failing culvert that flows south under Front Street. Stormwater standards required for the Lionsgate project must be compliant with the Western Washington Stormwater Manual. Construction cannot begin on the property until engineering review of the stormwater plan has been vetted and approved. Stormwater management in this area is challenging as groundwater is relatively high.

Kaemingk asked about the level of the water table. Banham stated, depending on the time of year, it is close to surface. Foundations should not be a concern. Still working with the civil design. Banham stated that it is likely that fill will be brought in to elevate the building pads. This issue will be discussed during the civil design. Banham stated that stormwater design is complex.

Scott asked about water under the homes. Gudde stated that it depends on the construction of the home. Bogaard is building slab on grade with no crawl spaces. If you want a crawl space, then you will need to elevate the space even more. The property in the Bogaard Meadows plat also has a high-water table. The City has a standard established with the plat that requires finished floor elevations of a home to be 2-feet above elevation so that they stay above the water table.

Faber asked if an HOA will be in charge of taking care of common landscaping, trails and boulevard landscaping. Yes, the HOA will be required take care of the street trees, open space and common landscaping, it will be included in the agreement. The rules for the operation of an HOA are becoming more and more strict.

Kaemingk asked what the zoning is to the north? It is in the County. Could the stormwater be designed to accommodate development to the north when that time comes? Taysi stated that each development is responsible to handle and manage their own stormwater. Right now, the development is showing water and sewer mains to the north, and I would assume that the City would also require a storm line to extend to that point for future connectivity. Banham stated that the interceptor ditch will direct flow toward the Guide. Development will see the front line of defense against the overland flow shift to the next development and the facilities that have been put into place for this development will now become available to the next.

Faber asked about a landscape buffer between lots 20, 19 and 1. Gudde stated that the RAC is technically a CUP and would be responsible for providing the buffer between the parcels. The requirement for landscaping typically falls to the more intense use. The RAC's CUP is up for review and they are aware of the requirement.

Speaking in Opposition:

Submitted letters:

Duana Adams (860 19th Street, Lynden) – Submitted a letter (included in the meeting packet) expressing concerns regarding stormwater and flooding as well as concerns related to an increase in traffic on Main Street and 19th Street.

Chris Pillar (PO Box 29207, Bellingham) – Submitted a letter (included in the meeting packet) expressed concerns regarding the process that was used to rezone the property. Recommended the property be used for “more luxurious much bigger homes with double size or even bigger lots” and called for the installation of a roundabout at 19th and Main Street. (letter referenced a rezone appl. that the Planning Commission recommended be denied).

Present:

Fred Likkle, 949 19th Street, Lynden

Likkle stated that he will be speaking in a dual role as he is a homeowner as well as a representative of the Watershed Improvement Districts.

Water level is very high. It is a very wet area. Likkle has been involved in drainage issues in Whatcom County for over 20-years, especially involved since the 2012 floods. The property on this side of the city as well as this parcel is wet, flat and poorly drained. There is little room for errors. Any little change can result in big concerns.

Watershed – start in Canada which lately has had a large amount of development. Canada has been mining the gravel hills to the north which held the water in the past. More flashing streams are being witnessed. WSDOT are claiming that culverts in our area are undersized, and that they will be replaced with large ones. What that means is that previously the small culverts were holding water back and now the large culverts when replaced will allow more flow which will make matters worse.

Natural overflow heads for this development, interceptor ditch is a good idea, however, it is challenging. Modelling is necessary to determine what is exactly needed. If that ditch is

constructed, it would be meant to dump into the ditch on the Guide which was at capacity during this winter, so the interceptor ditch will fill and drain into an already full ditch.

Another concern is at Main Street with that culvert being limited with a possible replacement not until 2025. Crossing the Guide is another culvert that is also limited with talks of replacement in 2023. Head further south toward the floodplain where there are three other culverts with concerns and finally dumping into a city owned detention pond which farmers claim does not work well which leads to challenges for them.

Likkle and Banham are talking about ways to work together to look at solutions, however, we are in the infancy of this discussion. There are not answers yet and there is no room for error.

Likkle stated that he and his wife do not object to development in the backyard, however, are concern with possible flooding and water damage that could put our property a risk. Did receive damage during the recent flood despite two sump pumps under the house and a small berm. Likkle is concerned on the potential for future damage to their home. This area is not like East Lynden, with regards to good infiltration.

Steve Banham has been working very hard and is doing a great job. Taysi has also been working hard to work with the neighborhood. Communication around this project is so important, however, was not great. The public notice did not include a time for the meeting.

Banham stated that even though the water is coming from Lynden it is not all city water, we are the last chunk of pipe. Because we own the segment of pipe does not mean it is all of our water.

Joel VanderYacht, 8376 Meadow Lane

Echoes all of what Likkle says. The last big flood saw a lot of water flooding the streets and homes. Stormwater is a real concern. VanderYacht stated that many of the homes that will be built in this development would have been flooded. Last year was not the first time this has happened it also happened 5-years ago. There needs to be a lot of planning. Not opposed to development.

Luke Wyatt 836 19th Street, Lynden

Echo's Likkle's comments. If the neighborhood truly understood what could happen, this meeting would be a larger event. There are too many unknowns. A bit concerning that the development packet talks about elevating the new homes, however, the existing homes do not have that option. If something goes wrong, it will negatively impact a lot of homes. The entire area suffers. Not opposed to the development, Wyatt just has real concerns with no solutions near. It is scary for a lot of people.

Melissa VanderYacht, 8376 Meadow Lane

VanderYacht has traffic concerns. The traffic on 19th and Main can handle extra traffic, however, Meadow Lane is currently sinking. The water line was just repaired. There have been three water main breaks because the street is sinking. If there is any more traffic directed onto Meadow Lane, there will be more issues. We need to maintain what we have. Not opposed to the development, however, concerned with auxiliary traffic and further sinking

of the road. Meadow Lane is maybe 25-feet wide with parking on both sides. Briefly looked at the traffic study.

Mark Hollander, 359 Wiser Lake Road, Lynden

Sent a letter to the Planning Commission. Concurs with Likkle. Main concern is water issues. First introduced to this proposal about a month ago which made me concerned for multiple reasons. Stormwater / Flooding for single family homes is very concerning and we cannot let that happen. We need to minimize the risks as it relates to stormwater.

Hollander stated that along the way, something has been missed with regards to commercial and or industrial development along the Guide. Hollander understands that there was controversy from the 19th Street neighborhood regarding commercial development, however, details and opportunities to figure this out together were lost during Covid. Feels that the path of least resistance from the Council was to allow residential development because we need more lots.

The Guide Meridian frontage is a precious commodity to Lynden and an opportunity to grow jobs which is important to families. Residential can take place in a lot of places, however, there is only so much land available on the Guide Meridian. Would like to see residential development backed off of the Guide Meridian. Not opposed to residential along the properties fronting 19th. The cart is before the horse as we need to first figure out stormwater. Should not put homeowners at risk. Maybe a stormwater pond could be constructed to collect the water with the addition of a vegetative buffer.

Hollander stated that he did not have enough time to contact other commercial property owners across the Guide Meridian and bets that they would prefer commercial or light industrial across the street instead of residential. Last time Hollander heard anything about this property was when Fred Meyer was interested.

Hollander is speaking as a concerned citizen and is not proposing to develop or take over the property. Storm should have been figured out before the plat was designed. Hollander would encourage the proponent to think of ways to create ponding areas and not develop quite as much yet so that we do not end up with a disaster.

Not sure if there is anyway to reverse the decision. Hoping that the proponent will reconsider what's best for our community and take a pause to reconsider redevelopment.

Taysi stated that a couple of years ago when this development idea came forward. We held an extremely well attended neighborhood meeting at the RAC. Our plan was to do a multi-tiered zoning development. The message delivered to the team, very loud and very angry, was to not put commercial next to their properties. The neighborhood indicated that they preferred residential development. Our team has spent a lot of time and effort in the design. The neighborhood told us what they wanted, and it was not commercial. That ship has sailed.

There are clearly stormwater issues in this area. The issues are regional and not caused by the development of this parcel. This development is only one very small part. Planning and growth should not be put on hold. Regional development is the best way to go about this. We

are working with the city trying to collaborate efforts. If developed appropriately it could help the area.

Banham stated that this development will make the stormwater better to the east, however, it will not fix the regional issue. Banham feels comfortable that it can work, civil review will be important.

Kaemingk asked if the Fire Department has reviewed this application. Gudde replied, yes, they are part of the TRC Committee

Scott motioned to close the public hearing. Seconded by Kaemingk and the motion passed, 4-0.

The Commission have further discussion on the following topics:

- The PC is not deciding the zoning as that has already been approved.
- Scott stated that he is not in favor of reducing the north setback to 20-feet.
- Scott expressed concern with no parking for homes that front the boulevard. Would there be any room for parking on one side (Lots 79-87). The median could be shifted to allow parking on one side to provide guest parking for those lots. Bump outs could be used to define parking areas / pockets and or bike path.
- Lot 96, 97 and 99 are duplex lots. Concerned with their proximity to the Guide. Taysi, stated that, yes, they are close, however, have no intention to build the units close to the Guide. The PC discussed the setbacks to the Guide for those lots.
- Combine 99 & 100 to build one 4-plex.
- Design of the private alley. Commissioners are okay with the request.
- The PC supports Staffs condition regarding overland flows and that the HOA be required to maintain this and all other private stormwater features.
- The city and developer need to be certain that the stormwater design will work. This was the major concern from residents this evening.
- How the sites are handled along the north property line is important.
- Staff recommended that the PC hold another meeting in two weeks to review the Planning Commission Resolution to ensure that all conditions are exactly how the Commission would like. PC agreed.
- Taysi will also have an updated site plan to show the revision to lots 96-100.
- The PC would like to see the access points for the Church property to be shown on the project map.
- Brief discussion regarding having a rain garden option along the Guide with specific landscaping that would feed on more water. Mitigation plan will require plants that slow down rainwater etc.

No further comments from the Commission.

Purpose of Master Planned Residential Developments and Approval Criteria

The Commission found that the MPRD meets the criteria as outlined in LMC 19.29.010.

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 comp 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.

LMC 19.29.060(J) - Criteria to Approve Alternate Standard Applies to Lionsgate

• Alley Design and Perimeter Setback along North (lots 55-67), East (lots 1-10), and a portion of the South (lots 1,19, and 20)

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; **Satisfied.**

2. The modification of minimum development standards protects critical areas and the environmental quality of the parcel(s) to be developed; **Satisfied.**

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; **Satisfied.**

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; **Satisfied.**

5. The modification of minimum standards is adequately mitigated by reasonably related public improvements proposed in connection with the planned development. **Satisfied.**

LMC 19.29.110 - Criteria for Approval.

In addition to the findings of fact required for approval within Section 17.09.040, the following criteria shall be met for approval of a PRD or MPRD.

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; **Satisfied.**
2. Achieving the allowable density for the subject property; **Satisfied.**
3. Providing housing types that effectively serve the affordable housing needs of the community; **Satisfied.**
4. Improving circulation patterns; **N/A**
5. Minimizing the use of impervious surfacing materials; **N/A**
6. Increasing open space or recreational facilities on-site; **Satisfied.**
7. Preserving, enhancing or rehabilitating the natural features of the property such as significant woodlands, or critical areas; **Satisfied.**

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.
Commission: Satisfied.

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. **Commission: Satisfied.**

Planning Commission Required Findings for Land Use Actions. LMC 17.09.040(C)

The Planning Commission shall not approve or recommend approval of a proposed development unless it first makes the following findings and conclusions:

1. The development is consistent with the comprehensive plan and meets the applicable requirements and intent of this code. **Commission: Satisfied.**
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. **Commission: Satisfied.**
3. The development adequately mitigates impacts identified under Titles 16 through 19. **Commission: Satisfied.**
4. The development is beneficial to the public health, safety and welfare and is in the public interest. **Commission: Storm water provision as outlined in #2 of conditions**
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. If the

development results in a level of service lower than those set forth in the comprehensive plan/ the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development, and in conformance with all requirements in Chapter 17.15 of the city code. For the purpose of this section, "concurrent with the development" is defined as the required improvements or strategies in place at the time of occupancy, or financial commitment is in place to complete the improvements or strategies within six years of approval of the development. **Commission: Satisfied.**

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.

Commission: Satisfied.

Scott motioned to recommend to the City Council the approval of the Lionsgate MPRD #20-01-Step 2 subject to the following conditions:

1. **Staff conditions outlined in the Technical Review Report dated June 3, 2022.**
2. **That the Lionsgate stormwater report clearly address overland flows which may occur during high water rain events. That the HOA be required to maintain this and all other private stormwater features. That these maintenance responsibilities be addressed in the property's covenants, conditions, and restrictions (CCRs).**
3. **A minimum 20-foot setback be required for all lots along the project's north property line to accommodate a stormwater feature meant to address overland flow.**
4. **That the boulevard be widened on the west lane, fronting lots 79-87, to accommodate on-street parking; and, that an urban shoulder be striped to delineate an area meant for bike travel on the east side.**
5. **That lots 96, 97 and 99 be subject to a 25-foot buffer adjacent to the Guide Meridian and, as a result of this shift, that lot 96 be labeled as a duplex lot and that lots 97-100 would be combined to become 2 four-plex parcels.**

Seconded by Kaemingk, and the motion passed 4-0.

6. DISCUSSION

- A. **Election of Chair and Vice-Chair – Postponed for more members to be present.**

7. ADJOURNMENT

Motion to adjourn by Scott / Second by Kaemingk. Meeting adjourned at 10:00 pm.