



TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	August 16, 2023
Project Name:	DSV #23-01, Walnut Street / Pacific Edge DSV
Applicant:	JWR Design
Property Owner:	Pacific Edge Properties LLC
Site Address:	315 Walnut Street, Lynden
Zoning Designation:	CSL
Application Type:	Development Standards Variance
Parcel Size:	N/A
Hearing Type:	Quasi-Judicial
Hearing Objective:	The objective of this public hearing is to determine whether the proposed Development Standards Variance meets the criteria found within Section 17.17.040 of the Lynden Municipal Code.
Date application determined complete:	July 24, 2023
Date of Publication:	August 2, 2023
SEPA Determination:	N/A
Project Description:	Applicant is requesting a Development Standards Variance requesting to vary the requirement outlined in Section 4.3 (C) and Table 4-1 of the City of Lynden Design and Development Standards. The applicant is proposing to improve Walnut Street with a maintenance project of 440 linear feet of asphalt paving (at a 20-foot width) instead of a code-required frontage improvement of 70 linear feet at a 3/4 street standard.

Standard Requirements:

The applicant has met the minimum submittal requirements and the application was determined to be complete on July 24, 2023. The notice of application was published on August 2, 2023. After initial staff review a revised application and drawing was submitted on August 14, 2023 which is the proposal which is being brought forward for Council consideration and public hearing.

The City has received proof of certified mailing and the affidavit of posting in accordance with the City's requirements.

Project Summary

The property owners, Pacific Edge Builders, are proposing to build a new office building at the terminus of Walnut Street at 315 Walnut Street. Per code, development of the site triggers the requirement to improve the property's 70-foot frontage to a minimum $\frac{3}{4}$ Street standard. This would include 70 feet of curb, gutter, and sidewalk on the west side of the street as well as the paving of drive lanes. As the property in question is located at the end of Walnut Street, which is a relatively unimproved dead-end road, that abuts a portion of the unused Burlington Northern Railroad Track the applicant is proposing a more practical improvement that would improve the entire 440 feet of street length rather than the final 70 feet.

Walnut Street at the intersection of Grover Street



The estimated cost of work for the variance option is considerably higher than the cost of the code-required $\frac{3}{4}$ street improvement for 70 linear feet but the applicant desires to provide a more practical improvement to the neighborhood rather than an isolated improvement at the terminus of the street.

The variance details a maintenance project of paving approximately 440 linear feet from the intersection of Walnut and Grover Streets to the terminus of the street where the applicant is proposing to construct at 315 Walnut Street. The variance does not include dedicated pedestrian accommodation but would preserve existing conditions for parking on both sides of the Walnut Street right-of-way and will not prevent the usage of current access points. Dust and gravel tracking onto Grover Street will be reduced by the improvement and stormwater run-off more controlled than the current condition which is a primarily chip-sealed surface in poor condition.

Development Standards Variance

LMC 17.17.040 states, where there are unnecessary hardships and practical difficulties which render it difficult to carry out the provisions of the development standards, the City Council shall have power to grant a variance in harmony with the general purpose and intent of the provisions contained therein. Such variances may vary the rules, regulations or provisions of the development standards so that the spirit of those standards will be observed; public safety secured; and substantial justice done.

Recommendation

The Technical Review Committee (TRC) acknowledges that the applicant has provided a response to each of the development standards variance criteria submitted with the DSV application dated July 12, 2023, but then updated on August 14, 2023 after initial staff review.

The TRC staff agrees that the improvement will benefit neighboring properties and public welfare and meets the criteria of LMC 17.17.040 because of practical difficulties that render it difficult (and impractical) to carry out the provisions of the standards. Granting the variance would be in harmony with the general purpose of the intent of the provisions. Public safety would be secured, the spirit of the standards observes, and substantial justice done.

The TRC recommends approval of the variance under the following conditions and clarifications listed below:

Recommended Conditions of Approval

1. **Specifications:** Paving on Walnut must substantially match the drawing submitted with the variance application on August 14, 2023.
2. **Timeline:** The paving of Walnut Street must be completed prior to the issuance of occupancy for the proposed commercial structure at 315 Walnut Street.
3. **Potential Impact Fee Credit:** Contributions made to the Walnut Street paving project which exceed the cost of code-required $\frac{3}{4}$ street improvement at the property's frontage may be credited toward the commercial structure's traffic impact fees. Actual costs of the paving project must be provided to the City prior to application of the credit.
4. **Agreement:** The Public Works Department will require the applicant to submit an Applicant Checklist and Agreement to Construct (Division 2 and 10 of City of Lynden Engineering Design and Development Standards) and any required bonding as part of future application requests.
5. **Stormwater:** A street encroachment permit is required for the proposed paving project. The permit plans must indicate the slope and grading of the new paving

project so that stormwater is not directed toward Grover Street and is retained within the street right-of-way boundaries. It is likely the application could demonstrate exemption to minimum requirements per I-3.2 of the 2019 Stormwater Management Manual for Western Washington as a pavement maintenance project consistent with overlaying asphalt pavement which does not expand the area of coverage.