

CITY OF LYNDEN
CITY COUNCIL RESOLUTION 23-1078

**A resolution of the Council of the City of Lynden, Washington,
to approve Development Standards Variance 23-01 regarding Walnut Street
Standards**

WHEREAS, Pacific Edge Builders, LLC, the owner of a vacant property located at 315 Walnut Street, Tax Assessors Parcel Number 4003204274620000 (the Property), desires to construct a commercial structure on the Property; and

WHEREAS, the development of the Property as proposed, triggers the requirement to improve the property's frontage to a $\frac{3}{4}$ street standard per City of Lynden Design Standards Division 4.3(C) and Table 4-1; and

WHEREAS, the Property has approximately 70 feet of frontage and is located at the north terminus of Walnut Street, which is a dead-end street adjacent to the railroad corridor approximately 440 feet in length; and

WHEREAS, the 60-foot wide right of way of Walnut Street is relatively unimproved consisting primarily of uneven chip-sealed surface in poor condition; and

WHEREAS, the property owner has submitted an application to vary the engineering design standard related to frontage improvements so that rather than improve the Property's 70 feet of frontage the Owner will instead pave the length of Walnut Street, approximately 440 linear feet, at a width of 20 feet; and

WHEREAS, the proposed variance is more costly than the code-required frontage improvements; and

WHEREAS, the proposed variance would benefit all property owners on Walnut Street and is a more practical improvement than frontage improvements along the last 70 feet of the street, and

WHEREAS, the City Council has the authority to vary an Engineering Design Standard when the proposal meets the criteria of LMC 17.17.040, that practical difficulties render it difficult (and impractical) to carry out the provisions of the standards; and

WHEREAS, 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; and

WHEREAS, the City Council held a public hearing on August 21, 2023, to accept public comment regarding the proposed variance to the Engineering Design Standard.

NOW THEREFORE, BE IT RESOLVED by the Lynden City Council to approve Development Standards Variance 23-01 concerning improvements to Walnut Street under the following conditions:

Section 1: Conditions of Approval

1. Specifications: Paving on Walnut Street must substantially match the drawing submitted with the variance application on August 14, 2023 detailing 20 feet of pavement centered on the 60 foot right-of-way and preservation of parking areas.
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 is Acknowledged: Contributions made to the Walnut Street paving project which exceed the cost of code-required ¾ 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) 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.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF _____ IN FAVOR,
_____ AGAINST, SIGNED THIS _____ DAY OF AUGUST 2023.

MAYOR

Scott Korthuis

ATTEST:

Pam Brown, City Clerk

APPROVED AS TO FORM:

Bob Carmichael, City Attorney