

CITY OF LYNDEN
ADMINISTRATIVE DECISION

~~ORIGINAL~~

vacated

REGARDING THE APPLICATION OF
**Northwest Surveying & GPS, Inc. on
behalf of Benjamin Stuit**, TO SHORT
PLAT

NO. 18-03

FINDINGS OF FACT, CONCLUSIONS
OF LAW, CONDITIONS and
DECISION on SHORT PLAT
APPLICATION

Petitioner

City of Lynden, owner of the premises known as:

ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 2 EAST OF W.M., LYING SOUTH AND EAST OF THE COUNTY ROAD, (SCHULEYMAN ROAD, NOW KNOWN AS FLYNN ROAD) AS AT PRESENT LAID OUT AND ESTABLISHED, EXCEPT BEGINNING ON THE EAST LINE OF SAID TRACT 317 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE WEST 138 FEET; THENCE NORTH TO THE COUNTY ROAD (SCHULEYMAN ROAD, NOW KNOWN AS FLYNN ROAD); THENCE NORTHEASTERLY AND EAST ALONG SAID SCHULEYMAN ROAD (NOW KNOWN AS FLYNN ROAD) AND COUNTY ROAD TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH ALONG SAID EAST LINE TO THE TRUE POINT OF BEGINNING; SUBJECT TO BOUNDARY LINE AGREEMENT RECORDED UNDER AUDITOR'S FILE NO. 1307170, LESS ROADS. ALL SITUATE IN WHATCOM COUNTY WASHINGTON.

COMMONLY DESCRIBED AS: 8036 Flynn Road, Lynden

for a short subdivision of the above-described parcel of approximately 3.38 acres into 4 parcels, with a minimum lot size of 14,984 square feet in size within the RM-2 zone. Said application having come before the Technical Review Committee on November 1, 2018, and the Planning Director having fully and duly considered said application, hereby makes the following:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.01 Application. Northwest Surveying and GPS, Inc on behalf of Benjamin Stuit, filed a short plat application which was accepted by the City as complete and containing all information required by LMC 18.12.010 on September 20, 2018.

1.02 Location. The Property is located at 8036 Flynn Road in Lynden, Whatcom Co., Washington.

1.03 Ownership. Benjamin Stuit.

1.04 Request. To create 3 additional (4 total) parcels for future development at the above noted location.

1.05 Conformance with Zoning and Comprehensive Plans. The short subdivision of the Property proposed in the application is in conformity with City zoning ordinances, comprehensive plans, and all other applicable City development regulations including Chapter 17.15 LMC.

1.06 Compliance with General Requirements for Subdivision Approval. The application complies with Chapter 18.06 LMC, General Requirements for Subdivision Approval, as applicable.

1.07 Compliance with Lot and Plat Design Standards. The application complies with lot and plat design standards as required under Chapter 18.14 LMC, as applicable.

1.08 Compliance with Project Manual for Engineering Design and Development Standards. The application complies with the development standards and requirements set forth in Title 18 LMC and with the Project Manual for Engineering Design and Development Standards, as applicable.

1.09 Appropriate Provisions for Promoting Health, Safety and General Welfare. The application makes appropriate provisions for public health, safety and general welfare.

1.10 Open Spaces, Streets, Roads, Sidewalks and Alleys. The application makes appropriate provisions for public open spaces, roads, streets, sidewalks and alleys.

1.11 Potable Water Supplies, Sanitary Wastes and Drainage Ways. The application makes appropriate provisions for public drainage ways, potable water supplies and sanitary wastes under the conditions listed below.

1.12 Public Interest. The application results in additional infilling within the City consistent with the City's comprehensive plan and the Growth Management Act. The public interest will be served by the approval of the application.

1.13 Critical Area Review. The Critical Area Checklist submitted for this project found this application to have no immediate impact on Lynden's identified critical areas.

1.14 Floodplain. The Nooksack River floodplain impacts these proposed lots.

1.15 SEPA Determination. This short plat is exempt from further SEPA review under WAC 197-11-800(6). Be advised that SEPA review may be required under other project activities such as fill and grade and building permits.

The foregoing Findings of Fact and Conclusions of Law are not labeled. Those sections which are most properly considered Findings of Fact are hereby designated as such. Those sections which are most properly considered Conclusions of Law are also designated as such. From the foregoing Findings of Fact and Conclusions of Law, the Director establishes the following conditions:

CONDITIONS

Any approval of the Petitioner's application shall be subject to the following conditions. Be advised, many plat conditions / improvements are triggered by development. For the purposes of this document, development shall mean the issuance of the first building permit for a new residential structure. This does not preclude the existing home from adding accessory structures to Lot B, adding to, or modifying the home as permitted per the Building Code:

Standard Conditions

2.01 All surveying work and engineering design must be based on the City of Lynden survey control monuments. AutoCAD files for all improvements must be provided to the City in digital format approved by the City.

- 2.02 Petitioner shall record the final short plat with the County in conformance with LMC 18.06.010.2, 18.06.020 and 18.06.030 within one (1) year of the date this preliminary approval becomes final, after which City approval of this application shall become void; provided that, this one-year deadline may be extended for up to one (1) additional year upon application to and approval by the City Council.
- 2.03 The construction drawings for any improvements will be submitted for review and approval prior to construction. These drawing must illustrate that the utility improvements and extensions meet the standards listed within the Project Manual for Engineering Design and Development Standards, unless they have been specifically varied by the approval of the plat. It is the project engineer's responsibility to be aware of these standards.
- 2.04 There is a review deposit of \$200 per lot, \$2,000 minimum, to review the construction plans and a plat construction inspection deposit of \$350 per lot, \$5,000 minimum, due prior to review and construction respectively.
- 2.05 A post construction maintenance bond for 10% of the public facility construction costs will be required prior to final plat approval. A 150% performance bond is required for all work in the City's right-of-way or on city owned property.
- 2.06 Prior to final short plat approval, the developer will be required to pay final plat fees. In addition, at the time of development, transportation, park and fire mitigation fees will be due in full.
- 2.07 All improvements and development must meet the City of Lynden and current Department of Ecology requirements for Stormwater / drainage management.

Planning Conditions

- 2.08 Be advised, this property is zoned RM-2 (Residential Multi-Family) and allows up to 4-units per building as outlined in Section 19.17.010 of the Lynden Municipal Code.
- 2.09 Multi-family construction is subject to Design Review Board approval. Properties developed with multi-family units will be required to demonstrate compliance with the City's Design Standards including provision for pedestrian access.
- 2.10 Utility Easements: Per 18.14.075, the proposed plat shall identify the required 5-foot utility easements around the interior property line of all lots.
- 2.11 Access Easement: The short plat as submitted includes one access easement which is permitted as per 18.14.080.
- 2.12 Delineation of the Special Flood Hazard Area must be shown on the plat.
- 2.13 Be advised, fill and grade, or building proposals that impact the floodplain are subject to meeting the requirements of FEMA and the specific building requirements in LMC 16.12.
- 2.14 Per Section 18.14.120, each lot with street frontage will be required to provide street trees at the time the lot is developed. Trees shall be located within the dedicated public

utility easement adjacent to the street. There shall be a minimum of one tree per lot with a maximum of one hundred feet between trees. Maintenance of street trees shall be the responsibility of the adjoining property owner.

- 2.15 Prior to issuance of a certificate of occupancy, residential structures must provide clearly marked address numbers at the street for emergency location.
- 2.16 Lynden Municipal Code Section 18.12.040 prohibits further short platting of these parcels in any manner for a period of five years from the date this plat is recorded.

Public Works Conditions

- 2.17 At the time of development, Flynn Road must be improved to City Standards. At the time of plat, a 10-foot right-of-way dedication is required along the full frontage of Flynn Road which would provide a 30-foot right-of-way on the southeast side.
- 2.18 A sewer connection is not currently available in close proximity to the subject property. All development or future land action will require connection to the City's sanitary sewer with the exception of one additional septic system for the entirety of the plat. This system shall not be designed to service more than one single-family residence. The septic system must meet all requirements of the Whatcom County Health Department including, but not limited to, the avoidance all well head protection areas.
- 2.19 A 10-foot utility easement is required, for the full frontage of Flynn Road, to be shown on the face of the plat.
- 2.20 A 20-foot sanitary sewer easement is required along the entire southern portion of the plat to allow for future sewer connection of lots A, B, C and D. Show on the face of the plat.
- 2.21 As per LMC 18.14.150, at the time of development both water and sewer shall be extended to the furthest extent of all properties of this short plat and shall participate in sewer extension and required pump station costs and connect to sewer when available.
- 2.22 Connection to city water is required for all new construction.
- 2.23 At the time of development the watermain on Flynn Road shall be upsized to an 8-inch line from Bay-Lyn Drive to the south end of the plat.
- 2.24 When installed, all water meters to have traffic rated meter boxes and must be sized for the maximum number of units.
- 2.25 All adjacent well and well head protection areas must be shown on the plat.
- 2.26 Be advised, fire sprinklers may be required for multi-family units. City system protection will be required.

DECISION

Petitioner's application to subdivide the parcel described herein into four lots is hereby **Preliminarily Approved** subject to the conditions set forth in this document.

This Preliminary Approval shall become the Final Approval of the City, subject to the conditions herein, upon (1) the Petitioner's completion and filing of proof of completion of the notice required by LMC 17.07.020; and (2) the expiration of the 14-day appeal period established therein if no appeal is timely filed.

DATED: 10.22.2019



Heidi Gudde, Planning Director