



COMMUNITY DEVELOPMENT DEPARTMENT
Heidi Gudde, Director
360-354-5532

PLANNING COMMISSION MEETING MINUTES

7:00 PM February 27, 2025
City Hall Annex

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Darren Johnson, Jim Kaemingk, Khush Brar, Hollie Lyons, and Blair Scott

Absent: with notice

Staff Present: Gudde, Planning Director and Samec, Planner

3. APPROVAL OF MINUTES

A. November 14, 2024 - Kaemingk motion / Scott 2nd 5-0

4. PUBLIC HEARING

A. Amendment to LMC 19 – Design Review

Gudde addressed the Commission and gave an overview of the proposed amendment to Title 19 of the Lynden Municipal Code.

State Legislation has required that cities revise design review processes to eliminate standards which could be subjectively applied. The primary goal in this requirement is to reduce the review and approval time for proposed projects. It also serves to implement a more consistent standard. The City of Lynden must comply with the State's directives by the close of 2025.

Historically the City of Lynden has maintained a Design Review Board (DRB). City code has required that the volunteer members of the DRB include some individuals who have design, construction, or building experience. This group has reviewed sign applications, commercial and multi-family projects as it relates to city design standards and adopted guidelines.

The proposed amendment to the city code includes changes which impact a significant number of sections as the adopted design guidelines, previously a separate document, have been converted into code requirements now incorporated into the municipal code as standards. The amendment also proposed to dissolve the Design Review Board and places the burden of review on an administrative process conducted by the staff of the

Technical Review Committee. This dissolution relieves the burden of maintaining a Design Review Board and is expected to expedite the design review process.

The proposed changes to LMC 19 are highlighted below.

1. The primary goal of this amendment is to respond to State legislation ESHB 1293 which requires cities to eliminate subjective standards from design review processes so that requirements are clear and discernable. This includes modifying any guidelines that “suggest” or “encourage” specific design standards in favor of clear requirements. The proposal dissolves the Design Review Board and establishes an administrative review process to be conducted by staff through the Technical Review Committee (TRC). Language related to the DRB is found in LMC 19.45.

Legislation has also always “encouraged” cities to adopt a process which allows for “prompt and coordinated review” of design aspects but this recent legislation takes this a step farther. Note that design review typically focuses on the appearance of new construction, site planning, and items such as landscaping, signage, and other aesthetic issues.

This bill includes specific requirements.

- Objective and not subjective: Lynden must adopt a design review process that includes one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and
 - Maintain Capacity: The design standards may not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.
2. This proposed amendment also includes a small clarification to the permitted commercial uses found in LMC 19.23.020. It adds “Commercial Recreation – Outdoor” to address requests for permanent outdoor recreational uses such as go kart tracks or similar. Changes here also eliminate “Commercial Sporting Events” which, as a temporary use, seems to be more suited to the Special Event Permit process.
 3. The amendment modified the design standards that were already in place under LMC 19.23.080 and 090, previously geared toward ‘big box’ stores, to now apply to all commercial development and mixed-use development respectively.
 4. Buildings within Public Use (PU) zones have traditionally not been subject to the Design Review process, this amendment adds basic design standards to the PU

requirements in order to clarify expectations on these projects. It also increases the maximum height permitted within the PU zone in order to accommodate large scale buildings seen on public properties such as City Hall and semi-public properties such as the Northwest Washington Fairgrounds.

5. Portions of the sign code are included simply to reflect the dissolution of the Design Review Board and to indicate that staff (the Technical Review Committee) will be verifying compliance with sign design standards.
6. This amendment also includes the restoration of a portion of code, the content of LMC 19.49.060-Emergency Housing, Indoor; Emergency Shelter, which was inadvertently deleted from the Community Residential Facilities section when then civil penalties code was adopted. A corresponding portion of the civil penalties code, which addresses violation of Conditional Use Permits, was updated in the new LMC 19.57.160.
7. This amendment updates the landscape code found in LMC 19.61 to include standards related to commercial uses. This includes requirements for additional landscaping internal to commercial and public use parking lots to enhance aesthetics, decrease heat island affects and slow stormwater runoff.

Speaking in Opposition: None

Commissioner discussion.

Requesting additional time for review on the document and propose reviewing it at the next meeting.

Dissolution of the Design Review Board. Faber asked if this is required by State? Gudde replied, no, however, dissolution is being recommended. The Design Review Board is made up of volunteers – many from the local design and construction industry – this board can be difficult to keep staffed and members frequently need to recuse themselves due to conflicts. Additionally, attendance has been spotty. In the last few years several meetings have had to be cancelled due to lack of quorum – which only extends the review time of a project.

The Commission asked how much burden will that put on Staff? Gudde stated that Staff already reviews the project in detail and prepares a Staff Report. Projects typically do not make it to the DRB if there are glaring concerns with the application.

Is there an advisory board that could act as a middleman? Gudde stated that the State is requiring prompt, coordinated and clear objectives. The DRB is the current advisory board.

Faber asked if staff is confident that the proposed revisions will protect the City? Gudde stated that several of the existing guidelines have been incorporated into the amendment along with the existing commercial standards that were approved several years ago. The revised standards are practical, they give options but it still require a detailed product.

Concerned that staff will not have the backing of a committee if the DRB is dissolved. Without a board to review colors or finishes etc. there may be some outlandish requests that will not have the pressure that comes with board review.

Brar wonders if the Planning Commission could take the place of the Design Review Board? Gudde stated, it would be outside of a typical Planning Commission role. However, if desired, bring it up with the City Council. Faber stated that the Planning Commission's role is not to review design rather it is specific to ensure code is well written and provides clear standards for applicants.

The Commission does like the idea of reducing the timeline by not needing to get in the que for DRB. It will definitely expedite the process.

The Commission began review of the document starting at the beginning.

19.17 - RM Multi-Family Zone – No concern.

19.18 - Pepin Creek Sub Area Zone – No concern.

19.20 – Accessory Dwelling Units - No concern.

19.22 – Residential Design Standards - Briefly discussed design waivers. Also make sure that all design requirements associated with the RM-PC show up in this section so that all standards are in one place. No further concerns.

19.23 – Commercial Zoning - Proposing that the City use “Commercial Recreation” for permanent uses and the Special Event process for temporary events. Also, that there be a note in that same use specifically for CSR zoning indicating the following : Outdoor recreational facilities may be permitted conditionally in the CSR zone. Temporary recreational or sporting events may seek a Special Event Permit in any of the City's zoning categories. The PC concurred.

Biggest changes to 19.23 is in 19.23.080 – Commercial Design Standards. Changes provide clarification and organization. It establishes clear intent.

The Commission would like more time to review this section, specifically pages 42 – 61 of the PC packet.

19.27 – Public Use Zone – support height increase. No further comments.

19.33 – Signs - Sign variances to be reviewed by the City Council. No other comments.

19.45 – Design Review Board - No concerns with revisions. Brief discussion on waivers.

19.49 – Community Residential Facilities - This section was accidentally deleted from a previous code amendment. No concern.

19.57 - Home Occupation Permits, Conditional Use Permits and Short-Term Rentals. No concern.

19.61 – Landscaping Requirements. Additional language for clarification and to add standards in areas not currently addressed by code. No concern.

19.63 Fence Permits and Requirements – No concern

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

The Planning Commission thanked Staff for their work. As mentioned, the Commission would like to continue the public hearing to the March 13, 2025, meeting to review the Design Standards proposed under LMC 19.23.

Kaemingk motioned to continue the hearing regarding the proposed amendments to LMC 19 regarding the design review process, the dissolution of the Design Review Board, and the adoption of design standards for commercial and multi-family projects. Seconded by Scott, and the motion passed 6-0.

5. ADJOURNMENT

Johnson motioned to adjourn the meeting at 9:50. Seconded by Kaemingk and the motion passed, 6-0.