

PLANNING COMMISSION MEETING MINUTES

7:30 PM July 11, 2019
City Hall Annex

1. CALL TO ORDER

2. ROLL CALL

Present: Gerald Veltkamp, Blair Scott, Lynn Templeton, Tim Faber, Brett Kok and Bryan Korthuis

Absent with notice: Diane Veltkamp.

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

The Commission welcomed Bryan Korthuis to the Commission. This is his first meeting with the Planning Commission.

3. APPROVAL OF MINUTES

A. April 11, 2019

Minutes approved as presented. Scott motion / G. Veltkamp 2nd. Approved unanimously.

4. Declaration of Conflict

Kok will abstain from the Rosewood Rezone discussion and vote. Kok has property close to the proposed parcel and prefers not to be involved in the agenda item. Other than Kok, none of the other Commissioners reported any ex-parte contact or conflict of interest.

5. PUBLIC HEARINGS

A. Youngs Long Plat and Development Standards Variance #19-01

Chairperson Faber opened the public hearing. Gudde addressed her memo dated July 3, 2019. The application has been brought forward by the Young Family. Located with a single access point at 8323 Double Ditch Road, just south of Village Drive, the property is zoned for single-family use with minimum lot sizes of 10,000 square feet (RS-100). The 3.35 acre plat is proposing the creation of 7 single family lots. The design of the plat is a single stubbed cul-de-sac. To facilitate the plat layout that is proposed, the applicant is requesting that the cul-de-sac exceed the maximum cul-de-sac length of 450 feet. Development Standards Variance

Application 19-01 requesting this exception has also been submitted for the review. Beyond the development standards variance, the long plat application is proposing to meet the plat design criteria described in LMC 18.14.

It should be noted that previous land use actions on this property have resulted in approval conditions related to the existing onsite trees which is discussed in the TRC report. Additionally, LMC 19.61.140 requires that healthy trees greater than 12" in diameter at five feet in height be preserved by every reasonable effort. And, that those trees that are removed be replaced in equal number. As such, the applicant is developing a survey documenting the tree inventory on the property and identifying those trees or stands of trees which can be safely preserved. In the SEPA findings, staff has required that the applicant develop a plan to replace trees which are removed. The mitigation may result in the need for a landscape easement to be placed on the face of the plat.

Speaking in Favor.

Joan Kayser, 8323 Double Ditch Road, Lynden

Kayser addressed the Commission and stated that she is the trustee of the family trust. Kayser is requesting to sub-divide the property into 7 single family lots served by a cul-de-sac that exceeds 450-feet. Their goal is to create large lots and to encourage custom homes and preserve the existing neighborhood. Kayser stated that various plat designs were looked at and the proposed layout is the most straightforward and aesthetically pleasing way to reach their goal.

Kayser addressed the Development Standards Variance criteria (see packet for applicant's complete response) and stated that the variance will not grant *special privilege* as there are several examples of other cul-de-sacs that exceed the 450-foot length requirement.

That the variance is necessary because of *special circumstances* relating to the property. Kayser stated that the proposed layout will allow the subject property to be developed as allowed by code while minimizing the length of road and shared infrastructure, both public and private. Neighboring properties are already developed.

That granting the variance will *not be materially detrimental* to the public. Kayser stated that the Fire Department has reviewed the request and determined that the longer cul-de-sac length can safely be serviced by emergency vehicles. The Kayser's are aware that they will need to install a fire hydrant.

That the variance will *not be injurious* to the property or vicinity. Kayser stated that the proposed plat layout will allow for the creation of residential lots consistent with the character of the residential developments surrounding the site.

That the variance is based on *sound engineering judgement* and includes additional mitigation sufficient to offset adverse impacts. Kayser stated that the

proposed cul-de-sac will create a simple road and utility layout that will minimize stormwater runoff and future maintenance efforts.

With regards to the tree note outlined in number 3 of the TRC Report, Kayser hired an arborist to conduct a Tree Inventory at the City's request. The survey has been submitted to both the Planning Department and the Commissioners. The tree survey recorded 92 trees of 12-inch dbh and larger. Many of the trees show significant damage and or decay. A tree risk assessment was not part of the scope of the tree inventory (survey is in file).

Code states that all trees greater than 12" diameter at breast height (DBH) shall be identified and marked on the plat and a narrative of how those trees will be impacted or preserved shall be provided to the City. Efforts shall be made to preserve healthy large trees on this entire parcel. In addition, the TRC Report also asks that the proponents provide a planting plan for the plat. If those boundary trees are no longer present, applicant will be required to plant additional trees (native conifers) along the boundary.

Kayser stated that they are happy to leave the trees if that is what the Commission prefers. They will do their best to preserve as many trees as they can, however, there are many that need to come down. Kayser would prefer to remove the trees now and plant new trees once the homeowners of each lot decide where to place their homes.

The City has not had a strong preservation stance in the past. Replacement of trees will be difficult to enforce.

Gudde addressed the tree inventory and noted that she circled several trees along the north and south boundaries of the plat, those trees will either need to be preserved or replaced. The SEPA determination for the project also addresses that requirement. Another option could be to leave a majority of trees and have individual lot owners come into the City and indicate their intent.

Templeton stated that the area tends to be wet. Are there wetlands on site? Is there a detention pond proposed? Gudde stated that there are no identified wetlands and each lot is required to handle water on site. Civil plans that address that issue will come once the plat receives preliminary approval.

Templeton also asked if cul-de-sac will have a sidewalk? Gudde replied yes, the plat intends to meet all City standards except for the length of the cul-de-sac.

Kailey and Ryan Bovenkamp, 1632 Liberty Street, Unit 202, Lynden

Bovenkamp stated that her and her husband grew up in Lynden. They are supportive of the request. Ryan grew up on Fern Drive, which directly abuts the proposal. They reached out to Joan Kayser regarding the potential to purchase one of the parcels.

The Bovenkamp's also addressed the trees in the area and stated that they do creak, and some have fallen. They are not in great shape and that is a concern for safety. If they are able to acquire and build on one of the proposed parcels, they would prefer to do their own landscaping and plant their own trees. The Bovenkamp's are hopeful that the Commission votes in favor of the request.

Speaking in Opposition. None

Scott is concerned with leaving the removal of trees to the new homeowner as it will be an additional burden to them. It will be easier to require the developer to remove the trees now. It is more efficient, and it will eliminate concerns of tree removal during the construction phase. Faber agrees.

Kok asked if there is a specific type of tree required if they are required to replant? Gudde stated that the City's replacement code is not specific enough to talk about quality or type of tree. The City and proponent can discuss at that time.

Faber stated that an arborist should be hired to review the health of the trees and that information is what should be used regarding preservation etc.

Korthuis asked if there are any utility conflicts near the trees? No, all utilities come up the street.

G. Veltkamp stated that a professional opinion speaks volumes. There may be some very weak trees that could potentially be a cause for concern.

Faber asked the Commission for plat design comments.

Kok stated that the proposed plat fits in well with the neighborhood and he has no concern with the request for a longer cul-de-sac.

Templeton's only concern with the long cul-de-sac is the amount of speed one could gain while driving down the street. Gudde stated, that the street design for this plat will include on-street parking and studies show that on street parking tends to slow traffic.

G. Veltkamp has no concerns with the variance request. The amount of traffic that will be generated is minimal.

Korthuis agrees, not a concern.

Scott concurs.

Faber closed the public hearing at 8:10.

With regards to the trees, Scott would like to see that the developers work out the tree issue so that the new lot owners do not get stuck with the task. The Commission agreed.

Scott motioned to recommend approval of the Young's Long Plat and Development Standards Variance #19-01 as presented according to the findings, conditions and recommendations of the Technical Review Committee Report dated June 26, 2019, and further subject to the following condition:

- **That tree numbers 36-43, 44-51 and 90-92 of the Kayser Tree Inventory conducted by Aubrey Stargell, Certified Arborist dated June 24, 2019, be retained unless deemed to be unsafe or in poor health by a licensed arborist. If these trees are removed, they must be replaced with 5-foot to 6-foot native conifers per SEPA Determination #19-05. Seconded by Kok and the motion passed 6-0.**