

CITY OF LYNDEN

PLANNING DEPARTMENT
360-354-5532



PLANNING COMMISSION MEETING MINUTES

7:30 PM October 8, 2020
Microsoft Teams Meeting

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Blair Scott and Nikki Turner, Diane Veltkamp, and Karen Timmer

Absent with notice: Bryan Korthuis with notice.

Staff Present: Gudde, Planning Director, Samec, City Planner, Timmer, City Planner

3. APPROVAL OF MINUTES

A. July 22, 2020

Faber motioned to approve the July 22, 2020, Special Planning Commission Minutes as submitted. Seconded by Turner and the motion passed 5-0.

B. August 27, 2020

Turner motioned to approve the August 27, 2020, Planning Commission Minutes as submitted. Seconded by G. Veltkamp and the motion passed 5-0.

4. DECLARATION OF CONFLICT

None of the Commissioners reported any ex-parte contact or conflict of interest.

5. PUBLIC HEARING

A. MPRD #20-02, Kamm Creek MPRD, 8585 Northwood Road

D. Veltkamp opened the public hearing.

Gudde addressed the Executive Summary for the proposal and stated that Bob Libolt, representing Kamm Creek Investments LLC, has requested the approval of a Master Planned Community (MPRD) concept for the 20-acre property located on the west side of Northwood Road approximately 640 feet south of Kamm Road.

The property is unique in that it is significantly impacted by critical areas and floodplain. As a result, although the underlying RS-100 zoning allows for up to 4 homes per acre, the proposed development reaches a gross density of only 2 units per acre. The proposal includes a blend of lot sizes with about 15 lots in the 5,000-6,000 sf range and most of the remaining lots over 7,800 sf in size.

Staff agrees that the property is a good fit for a planned residential district because of the constraints associated with the critical areas and flood plains. However, a few concerns remain. These are addressed in the final TRC report dated October 2, 2020. The conditions related to staff recommendation relate to setbacks, street design, a traffic study update, and lot coverage.

Gudde also noted that the applicant did submit a revised street section that meets the staff recommendation.

Pedestrian Connection: Per Staff's recommendation, the applicant has also included an asphalt pedestrian path and public access easement parallel to Northwood Road, west of the existing ditch. A path of this nature is preferred as it will be some time before full roadway improvements will occur on Northwood Road - especially since the property to the east is not within the City's Urban Growth Area. In addition, this development will accommodate the construction of and/or dedication of property for future public use connections to the East Lynden Loop Trail with access provided to the west.

Traffic Study Update: The applicant has submitted a revised/updated Traffic Analysis that provides data for 40-homes instead of 35.

Setbacks: The applicant has indicated that the standard PRD front setback of 15 feet will be met. Staff recommends that the final development agreement also include rear setbacks and side setbacks although. LMC 19.29 does not require specific side and rear setbacks other than the required 25-foot PRD boundary. Lot 11 would require a site-specific standard as the less than the 25-foot perimeter in order to maintain an adequate buildable area. Staff recommends the following:

- a. PRD perimeter of 25 feet.
- b. Rear setback of 20 feet on lots less than 7,000 sf. Rear setback of 30 feet on lots greater than 7,000. Open sided patio / deck roofs allowed to encroach up to 12 feet into the rear setbacks.
- c. Side setbacks of 7 feet. Except, lot 11 – Site specific standard of a reduced PRD perimeter on the eastern property line. Minimum street side setback of 7 15-feet consistent with underlying zoning (corrected type-o)
- d. Front setbacks of 15 feet.
- e. Garage door setback of 24 feet.

Lot Coverage: Applicant has indicated that lot coverage is "not expected to exceed 40%". Staff recommends that language be modified so that a specific maximum lot coverage of 40% be indicated in the final development agreement. Given the amount of common open space, staff is supportive of a 40% lot coverage.

Street Design: City of Lynden Engineering Design Standards describe a private street standard in Division 4.3(B) that can be used in PRDs that generate less than 150 average

daily vehicle trips. This includes a minimum roadway width of 30 feet that allows for parking on one side and a 5-foot sidewalk on one side. The standard also requires that the roadway be constructed with a vertical curb and gutter.

The applicant has requested that this private street standard be used although the development will generate more than 330 average daily trips. The applicant has also proposed an alternate design that includes a concrete walkway that is flush with the surface of the street.

Given that many lots exceed 7,000 square feet and can provide on-site parking. And, given that much of the property is constrained by critical areas and flood plain. And, given that the applicant has designed a pedestrian trail system that can take the place of some sidewalk amenities, staff will support the private street standard that calls for parking on one side and sidewalk on one side. However, given the scale of the community and amount of traffic generated, staff cannot support a pedestrian walkway that is not separated from the street. Separated walkways provide a safer environment for pedestrians, especially small children. Staff recommends that vertical curb on the sidewalk side be required. Staff also recommends that a 3 to 4-foot vegetated parking strip be required to avoid abrupt vertical changes in the sidewalk at each driveway cut.

Staff is supportive of the proposed reduced roadway width of 24 feet only in areas within the critical areas and their associated buffers.

Driveways: City of Lynden code requires that driveways measure a minimum of 25 feet in depth to accommodate parked vehicles without blocking sidewalks. The PRD originally proposed 20-foot driveways but later, given staff concerns regarding parking, revised the proposal to 24-feet. The applicant has indicated that the proposal will meet the parking standard typical of single-family development. Staff is supportive of the 1-foot reduction of driveway length if on-street parking is provided as per the private street standard.

Bob Libolt of Kamm Creek Investments LLC, 125 Rosemary Way, Lynden

Libolt addressed the Commission and stated Kamm Creek MPRD is a Master Planned Residential Development of a 20-acre property in the southeast area of the City of Lynden.

The Project is a 40-lot residential subdivision of a unique property that includes areas within the 100-year flood-plain and two regulated streams. These undevelopable areas create a highly desirable open space abutting nearly all the lots. The 5.2 acres within the flood plain leaves a 14.8 acres area for the development which under the RS100 zoning allows up to 59 lots. However substantial critical areas and related buffers create the need to cluster the lots within the remaining buildable areas of the project leaving extensive undeveloped areas.

Libolt stated that the property has area within the 100-year flood plain, however, regular flood events would not come close to the property. Recent flood years did not impact this property at all. It could happen however, it is unlikely.

The access to the proposed development will be along Northwood Road. No other location makes sense due to the wetlands / flood plain.

The Project will also implement as much Low Impact Development design and methods as possible. This will include pervious paving and required use of solar power.

The goal is to develop a highly desirable, pedestrian friendly, neighborhood that offers a variety of lot sizes allowing construction of homes of different sizes and prices. A paved trail connecting both clusters of homes will provide opportunity for the residents to exercise and socialize.

Libolt stated that he has agreed to a larger private road width as requested by the City. That additional R.O.W will reduce the lots sizes, specifically to lots 18- 22, however, none of those lots will be below 7200 square feet. The private streets are designed to enhance the rural character of the project and help minimize the unavoidable impacts to critical areas. Would prefer to have public streets, however, they would be a substantial impact if they were built to that standard.

A pedestrian loop of over one-half mile including the trail and private streets will be an important part in encouraging neighbors to experience a sense of community and to enjoy the natural beauty of this special setting. Almost every lot will have open / green space.

Libolt stated that he agrees with the Staff Report and their recommendations.

K. Timmer addressed the private roads and stated that it is very important that buyers know that the roads are not public and that they will be responsible for the duties that come with that. An HOA must be set up prior to approval and there should be a maintenance responsibility / acknowledgment on the face of the plat for protection of all.

Libolt also wanted to mention that Lots 1-10 will provide an affordable component to this development. Libolt would like to sell them to one builder with a requirement to build a specific plan.

D. Timmer stated that new FEMA maps are scheduled to be approved in 2022. It does change the elevation a bit. It will be pretty close to the line on the application map. Lot 22 will see the greatest water impact, but even then, it is pretty unlikely.

K. Timmer asked about parking. Libolt stated that each home will have 4 off street spaces (2 car garage and two stalls in front). There will be roughly room to park about 30 cars on street. Libolt stated that there seems to be a lot of discussion about the desire for additional parking. The code only speaks to off-street parking. This development meets the requirement. If the City wants more parking, it should be spelled out.

G Veltkamp had questions about slopes on the properties and asked what in the measurement in between each contour? Libolt replied, 1-foot. Are you thinking that daylight basements will be constructed on the lots with a 3 to 4 foot elevation change? Libolt stated that a daylight basement could be constructed. Lots 18-27 have the greatest change in topo.

Faber asked if there has been any discussion regarding connectivity to the west? Gudde stated that not for this project, however, would likely see a connection through the Koetje property (to the west) when it is developed. The City would like to see Bradley Road connect to Kamm Road.

D. Veltkamp addressed the request for an exception to the PRD perimeter setback on lot 11 & 27? Is there anyway to meet the requirement of the code? Libolt stated that his understanding is that the PRD buffer setback is to buffer from neighboring properties / houses not necessarily a street?

The side yard setback for lot 11 will be considered a corner lot and will be subject to a 15-foot side setback. There was an oversight on #3 c of the Staff Report and needs to be revised from 7-feet to 15-feet. With the correction to 15-feet, the Commission noted that they were more comfortable with that specific request.

Pedestrian Path: There was brief discussion regarding staff's recommendation regarding the asphalt pedestrian path along Northwood Road. Libolt has agreed to construct the path.

Driveways: Libolt indicated that he prefers to have 20-foot driveways, however can live with the recommended 24-feet if need be. Would like to be allowed 20 feet where there is no sidewalk in front and 24-feet for those with sidewalks. K. Timmer stated that she prefers to see 24-foot driveways, especially with the narrower streets.

Speaking in Opposition: None. Gudde stated that no comments were received from the public regarding this request.

Brief discussion regarding mineral rights. Libolt has not looked into it, however, will look into having the clause removed? In most cases you cannot find who the beneficiaries are? K. Timmer stated that Libolt can get a title company to insure over the mineral rights. This is very common. It is unlikely that the family would come back for the rights once the homes are built.

1.28 There was brief discussion regarding soils and stormwater. Prior to site plan and/or preliminary plat approval, a Stormwater Site Plan Narrative per the City's Manual for Engineering Design and Development Standards. addressing all Stormwater minimum requirements shall be submitted and a erosion control plan must be included.in the drainage and construction plans.

Turner asked about #27 (e) of the Staff Report regarding that the proposal has more units than what was anticipated per the sewer comprehensive plan. Gudde stated that the issue will be dealt with during civil plan review. Offsite improvements may be required.

The Commission had no further questions.

Scott motioned to close the public hearing. Seconded by G. Veltkamp and the motion passed, 5-0.

Criteria for Approval as required in 19.29.110 of the LMC.

A. Design Criteria: The design of the PRD or MPRD shall achieve two or more of the following results:

1. High quality architectural design, placement, relationship or orientation of the structures; **Applicants Response:** The Project is located on a site that has two elevated knolls where homes can be constructed in clusters above the flood plain and allowing strategic buffer areas to the critical areas. The homesites are carefully oriented to benefit from the views of the valley and farmlands and to enjoy the spaciousness afforded by these open space areas. Nearly every lot abuts an open space area.
2. Achieving the allowable density for the subject property; **Applicants Response:** While the RS100 zoning would allow up to 4 units per acre it is more typical to get a yield of about 3 units per acre when using a standard subdivision with a minimum 10,000 square foot lots and full 60-foot rights of way. Based on the 14.77 acres net of the flood plain the maximum allowable would be 59 units but typical subdivision in RS100 would yield 45 lots. The proposed 40 lots is a density somewhat less than that allowing under the current zoning but a reasonable yield for a property with this amount of critical area impacts.
3. Providing housing types that effectively serve the affordable housing needs of the community; **Applicants Response:** The project includes 15 lots that are somewhat smaller and will provide opportunity for new homes at the lower end of the Lynden real estate market.
4. Improving circulation patterns; **Applicants Response:** The project is isolated from all directions by wetlands except to the east. And being at the edge of the City limits and rural flood-plain there is no opportunity for a regional improved vehicular circulation.
5. Minimizing the use of impervious surfacing materials; **Applicants Response:** The proposed smaller paved private lanes substantially reduce the impervious surface area.
6. Increasing open space or recreational facilities on-site; **Applicants Response:** The project protects and improves a substantial open space area in the avoidance of the flood-plain and establishment of critical area buffers that are currently being farmed. The proposed trail will offer a pleasant option for the residents to exercise and socialize.

7. Preserving, enhancing or rehabilitating the natural features of the property such as significant woodlands, or critical areas; **Applicants Response:** The two streams are being preserved with substantial buffers and enhanced buffer planting. A large wooded wetland area in the northwest corner of the property will be also be preserved.

B. Perimeter Design. The perimeter of a PRD or MPRD shall be appropriate in design, character and appearance with the existing or intended character of the development adjacent to the subject property and with the physical characteristics of the property.

Applicants Response: The project has minimal development on the perimeter with most of it left as open space. The easterly portion of the north perimeter, being the only location entirely above the flood plain, will provide the primary access to the west portion of the project. The westerly portion of the north perimeter will be mostly set aside as buffer and critical area preservation. The easterly perimeter fronting Northwood Road will have both access points and two lots fronting the road with the rest left as open space area. The south perimeter except for three lots will be mostly open space with a community trail. The west perimeter of the project will be left undisturbed as a natural stream corridor.

C. Streets and Sidewalks. Existing and proposed streets and sidewalks within a PRD or MPRD shall be suitable to carry the anticipated traffic within the proposed development and the vicinity. The design of the circulation system shall be consistent with the requirements of Chapter 18.14 LMC.

Applicants Response: The proposal provides a redundant access with two entry streets, one entirely above the 100-year flood plain and the other having a portion slightly within the flood plain. The streets will be private to minimize the width and unavoidable impacts to the critical areas. The rural character of the project is enhanced by minimizing the pavement, using soft edges and providing a trail for pedestrian use instead of sidewalks. A Traffic Study by Gibson Traffic Consultants demonstrates the proposed street improvements and existing area streets are adequate and will serve the project well.

The Commission stated that they appreciated Gudde's recommendations in the Staff Report. They were very helpful during the reviewing of the application. The Commission felt that if the applicant can agree to the conditions as spelled out in the Staff Report then the request appears to be appropriate..

Faber motioned to recommend approval of the Kamm Creek MPRD as presented subject to the conditions and recommendations of the Technical Review Committee Report dated October 2, 2020, and further subject to the following conditions;

1. **#3 (C) of the Staff Report to be revised from a 7-foot side yard setback to 15-feet for Lot 11.**

- 2. Setbacks listed under TRC Report #3 are approved as per Staff recommendations.**
- 3. Lot Coverage approved as outlined in #4 of the TRC report.**
- 4. The Commission is in agreement with the requested PRD Deviations as follows:**
 - A 24-foot setback from property line to face of garage doors (from the required 25-foot).**
 - An exception to the requirement for a 25-foot PRD Perimeter on lots 11 and 27. The side yard for lot 11 will be 15-feet and the side setback for lot 27 will be 7-feet (meets criteria #3).**
 - To allow a 30-foot right of way private street with sidewalks on one side of the street (from the requirement for sidewalks on both sides). (meets #2 of criteria)**
 - The reduction in road width from 30-feet to 24-feet over critical areas and associated buffers (meets #2 of checklist).**

Seconded by Scott, and the motion passed 5-0.

6. ADJOURNMENT

Motion to adjourn by G. Veltkamp / Second by Turner. Meeting adjourned at 8:15 pm.