



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 Kaysers 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,

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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.**

B. Rosewood / Bouma Rezone #19-01

Chairperson Faber opened the public hearing. Gudde addressed her memo dated July 3, 2019. Rezone application 19-01 has been brought forward by property owner Gene Bouma. Mr. Bouma is proposing to shift the property from the single-family zoning category of RS-100 to a multi-family zoning category of RM-2.

The subject property is relatively unique in that it was formerly part of the City Bible Church campus located to the west. A portion of the property is still covered by the church's parking lot so the property line dividing the two parcels is not obvious. The property is bordered to the north by a City-owned parcel which is used for stormwater management. The southeast corner of the property is constrained by a City of Lynden sewer easement / sewer line which cuts the corner of the property (structures are not permitted within the easement area). Finally, the property is located adjacent to Main Street, one of the City's arterial streets and a significant truck route. The Main Street corridor accommodates a variety of uses including single family homes and relatively large multi-family developments.

As such, staff recognizes the following opportunities associated with the proposed shift from single-family residential to multi-family residential zoning:

1. The rezone action recognizes the unique characteristics of this corner parcel which was formerly part of the adjacent church campus and shares no property lines with lots which are or will be used for a single family home.
2. Consistent with the City's goal of reaching an overall density of 5 units per acre across the City, the rezone provides an opportunity for infill within the City of Lynden. It offers a housing type which has been successfully integrated into the Main Street corridor. Examples include Wood Creek Manor and Oak Wood Apartments, both of which are in close proximity to the subject property.
3. Establishment of a low density multi-family (RM-2) on this parcel acts as transitional zoning between single-family homes and the adjacent arterial street.

4. Locating multi-family housing on an established transit route (WTA bus route), which runs along Main Street, is supported by the City's Comprehensive Plan - transportation goals.

Applicants proposing site specific rezones bear the responsibility of demonstrating that it satisfies the criteria for a rezone. Mr. Bouma has provided rationale for the Planning Commission's review. He has created conceptual drawings which demonstrate how, with the rezone of the property, it could facilitate a project he is calling "Rosewood".

The Rosewood concept includes 2 four-plexes under RM-2 zoning rather than 3 single-family lots which would be accommodated with RS-100 zoning. Height restrictions for both zoning categories is the same, a maximum of 32 feet in height (2 stories). Staff review notes that additional traffic would be generated by a net growth of 5 additional units but would not at a level that would cause a reduction in the level of service on nearby streets. One benefit of the Rosewood concept is that only a single driveway would be cut into 19th Street (with no vehicles backing out of this driveway) rather than 3 driveways for single family homes, a condition where vehicles commonly back out onto the street. Also, it may be relevant to note that traffic signal improvements have been made this month at the nearby intersection of Main Street and the Guide Meridian that offer a dedicated left turn signal. These upgrades are expected to alleviate backups which occur during peak hours.

Faber stated, just to clarify, the site plan that was submitted with the application is not under discussion this evening it is only a concept and the Commissioners should focus on the rezone application.

Speaking in Favor.

Gene Bouma, 4600 Guide Meridian Road, Bellingham

Bouma stated that he is requesting a rezone of a small piece of property from RS-100 to RM-2. The intent is to construct two 4-plex buildings. Bouma stated that he believes there are compelling reasons to approve the rezone.

Bouma is aware that the neighborhood is concerned about multi-family development, however, feels that they are minimal. It is interesting to note that the City of Lynden makes more enforcement calls to single family homes than they do to multi-family. The fear about crime, and the types of people that live in multi-family developments is not accurate. The city needs multi-family property it is important to a community. Many different types of people live in multi-family homes.

The church property located to the west includes a community church, a school and service center. Its use has changed the neighborhood more than anything else over the last 20 years. Multi-family is a perfect transition and buffer when adjoining such uses.

There is also a large sewer easement that restricts the use of the property and with my

proposed design you end up with one road access instead of three (if you had three sf homes). The site is not well designed for a single-family home.

Bouma stated that the impacts are minimal as the property does not abut any single-family homes. It is wrapped by other uses which is a great reason to change to multi-family. There are many examples of multi family mixed with single family throughout the city with several examples in close proximity of this parcel.

With the additional units proposed, traffic will not negatively affect the neighborhood.

The City's Comprehensive Plan goals speak to provide affordable housing, infill and density to existing neighborhoods. This is a classic infill project. According to the Growth Management Act, the City of Lynden has mandates to increase densities within the city, supporting multi-family development. The City is to increase their density goals moving towards 40% multi-family.

Bouma stated that his project meets nearly all of the goals and policies listed on page 10 of the Comprehensive Plan.

Templeton at the beginning of the presentation you mentioned the church property as relating to the subject property. What does the church property have to do with the rezone request? Bouma replied, the church property includes many different uses / commercial uses and typically multi-family is used as a buffer and is often located near commercial zoning.

Templeton questioned the church use as commercial? Gudde stated that the church is located on single family zoned property and is permitted under a conditional use permit.

Is the rezone specific to the applicant or to the property? If Mr. Bouma decides not to build the property will stay RM-2. Correct.

Speaking in Opposition.

Donna Honorof, 1853 19th Street Court, Lynden

Honorof stated that she lives two doors away from the request. Several of the windows in her home look out to the proposed site. The property floods every year. Multi-family renters bring drugs and nasty things. Found drug needles at Subway in town. It will be bad for Lynden and will destroy the neighborhood. Honorof does not want to see Lynden change. They have a vested interest in the area.

Ben Honorof, 1853 19th Street Court, Lynden

Honorof is opposed to the rezone. Multi-family housing should be called low income housing. Honorof used to live in Renton, it was a nice neighborhood at first and then it went downhill from there because of low income housing and everything that goes with it such as graffiti, drugs, gangs and ISIS flags, etc. Low income housing in our area could bring drug needles to the neighborhood and he would hate to see that.

Judy Smith, 131 South Meadow Lane, Lynden

Smith opposes the rezone. Would strengthen the request for the church to rezone the property to commercial. Anything that weakens this single family neighborhood risks creeping decay house by house. Rental properties are a concern as they are a business in a single family zone.

Smith disagrees with some of the comments of the applicant and staff. The applicant claims that the proposed style of development has been successfully integrated nearby. Smith says that is not the case. The Oakwood Apartments were mentioned however they are largely hidden from view and there are no single family homes across the street. Wood Creek Manor is also mentioned, however has nothing in common with rental 4 plexes as it is an upscale condo development with beautiful landscaping.

The proposed four plexes would sit in full view of 19th Street and Main Street and would have few features that would allow it to be successfully integrated in to the neighborhood.

Smith mentioned density and stated, this neighborhood has already done its part. There are currently 98 single family houses in the area and 102 multi-family units which include Oakwood Apartments, Wood Creek Manor and the duplex units along 19th Street. Where is the City on reaching their density goals? It does not feel good that our neighborhood is being described as an opportunity. Homes were purchased as an investment not to deteriorate.

Duana Adams, 860 19th Street, Lynden

Adams is opposed to the request. Why would anyone want to come in to our 20 year old plus neighborhood and build two new 4 plex units. Concerned with the safety for the neighborhood as well as for the children, traffic etc. 10-15 more automobile trips will only add to the traffic concerns. Our neighborhood is safe with no need for law enforcement.

This request is not good for our neighborhood. There is flooding in the area and more development will make it worse.

A 4-plex would not fit in with our neighborhood. Please do not downgrade the entire neighborhood for the convenience and wealth of one man. Mr Bouma needs to be responsible to the neighborhood. This is not desired by the neighbors as it does not promote the health, welfare and safety of our neighborhood. The current zoning in the area is not in error and nothing has changed to reclassify it. Mr. Bouma has not met the 5 requirements of the Comprehensive Plan.

Chris Pillar, 872 19th Street, Lynden

Looked on the Lynden website and saw that the neighborhood I was interested in was zoned single family. I did not want to live near multi-family housing. I purchased the property and three and a half months later this request is coming forward.

Pillar fired the City of Bellingham to move to Lynden because he got tired of seeing what he was seeing there. Homeless people, sky high prices of homes, apartments being built all over the place, people walking around on drugs yelling and screaming. If the City of Lynden goes bad on me, I will just fire them as well.

Renters like to put sub-woofers in their vehicles. Renters also like to start their cars let them idle with their boom box playing loud.

8 parking stalls provided per 4-plex unit. Not enough parking.

Multi-family means transient. Coming and going, will not care about the units, nor the neighborhood. Will this project require ADA? What about the electrical drain on the system.

Crime is an issue, transients will cause problems and I do not want to live in an area with drugs and crime.

This property floods from time to time, build one 3500 square foot house with a lake in the front it will be a gateway to the neighborhood.

Mike Kirkelie, 884 19th Street, Lynden.

Kirkelie does not lock his doors. He concurs with the two ladies who spoke prior to him, they covered it all. Kirkelie addressed the Commission and stated that he does not remember seeing any of them in our neighborhood. Kok stated that he owns a home in the neighborhood.

Kirkelie would be concerned for anyone who would rent in this area as the traffic is getting worse and worse. The new signal at Guide and Main has helped, however, it is still bad. Safety is a concern. A while back the neighborhood said no to a rezone and still feels the same today. I do not believe that the proposed site specific rezone will promote the health, safety and general welfare of the neighborhood. I am opposed to the rezone of the property.

Stephanie Rogers, 1314 Westview Place, Lynden

Traffic is bad, the turn signal has helped. Rogers is opposed to the rezone. Prior to purchasing the property we did look to see what the zoning in the area was. Safety is a concern. Traffic will only get worse. Rogers agrees with most of what was brought up this evening.

June Smith, 837 19th Street

Purchased home 27 years ago and recently put in over 100,000 dollars into a renovation. Would not have done that if we knew things would be changing. Strongly agrees with what has been said this evening. Very concerned with the safety of children. Nervous about 19th Street, adding more density will only make it more dangerous.

Flooding is a concern, there is also enough multi-family in the neighborhood. Concerned with having low income housing nearby and does not want to be scared at night.

How many times does this neighborhood have to come back to the Commission asking to preserve our neighborhood. Enough is enough and I hope we do not have to come back.

Sheldon Smith, 837 19th Street, Lynden

Smith agrees with the neighbors who did an outstanding job of defining the issues. Smith stated that the 5 criteria required for a rezone has not been satisfied. The zoning was not in error, there have been no significant changes.

Linda Knapp, 812 19th Street, Lynden

This request is directly across the street from Knapp. Opposed to the rezone. Has two homes in Lynden and is choosing to live in the home on 19th Street. Knapp is selling the other home, however, questioning whether or not she should rethink that decision as she does not want apartments across the street from her home. The area is very busy and we do not need this proposed complex at all. Agrees with the neighborhood.

Dwayne Cole, 812 19th Street, Lynden

Cole is the son of Knapp. Cole understands why Mr. Bouma is doing this as he would likely do the same. Cole complimented Bouma on the Oakwood Apartments and stated that they are beautifully done and he is sure the proposed 4 plexes would be of the same standard. With that said, Cole has deep concerns regarding the rezone. There is already a lot of traffic, noise and parking congestion. Concerned that visitors will park on the street in the neighborhood.

Traffic is already dangerous. If the rezone is approved, why not make the traffic outfall go to Main Street instead of 19th Street.

Consistency of the single family neighborhood is the main thing. The uniformity of more single family homes would be better and hopes that Mr. Bouma would reconsider.

Faber asked Bouma to speak to the neighbors comments.

Bouma addressed the Commission and stated that he is the original developer of the Oakwood Apartments and has owned them for over 35 years. All of his properties meet his very top standards. Like Bouma's other projects, this project will be tastefully done. No matter what people say, this multi-family project is not low-income housing.

To address the type of people who rent, Bouma stated that he does background checks on everyone he rents to. There are many quality people and a large variety of people who rent. At Oakwood, Bouma rents to disabled people, elderly people, many single mothers,

etc. It is important to note that rentals also happen in single family neighborhoods. People do rent out their homes as well. All throughout the City you have areas where single family and multi-family mix.

Overflow parking and noise – Bouma does control the amount of cars people can have and where they can park as well as the amount of noise they generate. If people do not comply with our rules they can be evicted.

Flooding issues are adequately addressed with City and DOE standards.

Bouma addressed the question “what has changed in the last 20 years?” The neighborhood, the traffic, the use of the church building, the community, the Guide Meridian, the need for more commercial property and multi-family property. Single family development should not happen next to the Guide Meridian. It is the natural evolution of economic development. Yes, Bouma stated that he is in it for the profit but they are also my investments that I take pride in.

Bouma understands some of the neighbors concerns, however, believe that most of the comments are unfounded.

The mandates of the Growth Management Act and the City’s Comprehensive Plan indicate that density and infill should happen. These are the kinds of projects that should be happening in the community whether you want them or not.

This will be a good project with a good builder and owner.

Faber closed the public hearing at 9:22.

Scott would like to go through the criteria required for the rezone:

Applicants proposing site specific rezones bear the responsibility of demonstrating that the request satisfies the criteria for rezone as outlines in LMC 17.19.050.

- A. *The current zoning was either approved in error or that a significant change in circumstances since approval of the current zoning warrants reclassification of the subject property as proposed; G. Veltkamp stated that there was not an error in the zoning, circumstances have changed, however, feels that it is a spot zone and cannot warrant reclassification of the zoning. G. Veltkamp may feel different if it was the whole corner and not just one lot. Scott agrees, Korthuis agrees and does not see a significant change to warrant the request.*
- B. *The proposed site-specific rezone is consistent with the city's comprehensive plan and applicable subarea plan(s); G. Veltkamp has no problem with this criteria. Scott agrees and stated that we need to provide for more people. Korthuis concurred.*

- C. *The project proposal is consistent with the city's development codes and regulations for the zoning proposed for the project; Faber states that the City's development code supports infill. The Commission agreed.*
- D. *The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area; The Commission indicated that at the present time the rezone is not compatible with the surrounding area.*
- E. *The proposed site-specific rezone will promote the health, safety and general welfare of the community. G. Veltkamp understands that people need a place to live if they cannot afford their own home, however, this area should be looked at in its entirety not as a spot zone. This is not a positive thing.*

Templeton addressed the audience and stated, Lynden has a long standing Christian tradition of "love thy neighbor" and is offended and finds the term typical renters problematic and insulting. A typical renter could mean a young single starting a career, a young couple, a senior that could not afford a single-family home, in 2019 a renter could also mean a teacher, police officer, nurse, pastor, fire fighter.

That aside, there must be a compelling reason to rezone property and I do not see a compelling reason. Single family homes could be built on this parcel.

G. Veltkamp also addressed the audience and stated that he is a little bit disappointed. The reasons that were given tonight are not the correct way of doing it - being down on human kind and looking assuming the worst out of people. People need to act more civil, tonight and at future meetings that have to do with this topic in this particular area. The Commission is here to do the best we can for Lynden and I thank you Commissioner Templeton for what you said. Commissioner Scott concurred.

Scott motioned to recommend denial of the Rosewood Rezone #19-01, as the application did not adequately meet the criteria outlined in LMC 17.09.050. Seconded by Templeton and the motion passed 4-1, with Kok abstaining.

Faber thanked everyone for coming out.

6. COMMISSIONERS CORNER

Next PC Meeting is on July 25th and will be a joint public hearing with the Department of Ecology.

7. ADJOURNMENT

Motion to adjourn by Scott / Second by G. Veltkamp. Meeting adjourned at 10:10 pm.