

CITY OF LYNDEN

PLANNING DEPARTMENT
Heidi Gudde, Planning Director
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PLANNING COMMISSION AGENDA

7:30 PM January 28, 2021
Microsoft Teams Meeting

1. CALL TO ORDER

2. ROLL CALL

Commissioners Present: Bryan Korthuis, Blair Scott, Diane Veltkamp, Gerald Veltkamp, Tim Faber, Karen Timmer and Nikki Turner.

Commissioners Absent with Notice: None

Staff: Mike Martin, Heidi Gudde and Korene Samec

3. APPROVAL OF THE MINUTES OF January 14, 2021

Faber approved as presented. Turner seconded.

4. DECLARATION OF CONFLICT

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

Bryan Korthuis has direct involvement with items B & C on the agenda and would like to be recused.

5. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

All nominations were tallied, and the positions remain the same as the previous year. Diane Veltkamp as Chair and Tim Faber as Vice Chair for 2020. Scott/Turner 6-0.

D. Veltkamp thanked the Commission and Staff for all of their hard work and research with projects that are important to the City.

PUBLIC HEARINGS TO CONSIDER:

A. Rezone #20-05, O&S, 8035 Guide Meridian

Gudde summarized the proposed Rezone Application. O & S Farms / Fishtrap Creek LLC, has applied for a site-specific rezone of two parcels location at 8035 Guide Meridian. This is the southwest corner of the intersection of Guide Meridian and Bay Lyn Drive. The subject property is currently zoned Commercial Services – Regional (CSR). The applicant has requested that the zoning shift to Commercial Services – Local (CSL). The Lynden Municipal Code defines these zones as follows (LMC 19.23.010):

“Local commercial services (CSL): The purpose of the CSL zone is to provide a location for local scale retail development (stores less than sixty-five thousand square feet), medical, professional and financial services. Development within this zone should focus on pedestrian connectivity to the surrounding area and mixed-use development is strongly encouraged. This zone, together with the historic business district, provides the primary location for civic and social activities within the community.

Regional commercial services (CSR): The purpose of the CSR zone is to support the development of large format retail and regional commercial development. In addition, this zone may support commercial establishments which require a retail contact with the public together with professional offices, storage and warehousing, or light manufacturing. This zone is located where larger parcels and arterial streets are available to support the traffic and land needs for these types of uses. This zone provides the primary location for businesses serving both the local and regional trade area.”

As the Planning Commission may recall, CSR zoning has traditionally been geared toward big box retail and strip shopping centers. More recently the City updated the CSR definition and permitted uses to embrace uses consistent with business parks including light manufacturing and warehousing. Many uses that are permitted in CSL are also permitted in CSR with the notable exception of multi-family residential in a mixed use setting. This is only permitted in CSL and is a primary reason the applicant seeks this rezone request.

Staff has concluded review with the following reasons to support the proposed rezone:

- Although located on the Guide Meridian corridor, access to the Guide and Bay Lyn Road must be carefully considered due to its proximity to the intersection of Guide Meridian and Birch Bay Lynden Road. As access may be somewhat limited or primarily directed to a Bay Lyn Road access point, the location does not have the same access to arterial roads as other CSR properties in this same area.
- The opportunity for a mixed use and/or local retail can be an attractive sort of project to have at this Lynden gateway and would support other retail services in this area.
- Residential opportunities provided by a mixed-use project would be located near services, employment opportunities, and mass transit corridors.
- The property is bordered by residential property on its western border and impacted by the FEMA mapped floodplain on its southern border which could reduce the scale of the future project located here.

Concerns related to the rezone include the ability of the future project to provide pedestrian connectivity as the CSL zoning description describes. However, design specifications such as walkways, crosswalks, pedestrian scaled architectural elements, and exterior lighting can

assist in meeting these requirements and will be taken into careful consideration by staff and the Design Review Board

The Commission will only be reviewing the rezone this evening, no separate development plans at this time. Future plans could potentially require a traffic signal at the corner of the Guide and Bay Lyn Drive

This property is also affected by the flood plain on the southeast portion of the property.

Public Comment

Ashley Gosal, Agent for Fishtrap Creek LLC, applicant spoke and stated that proposal the request is to rezone 5.6 acres from CSR to CSL.

CSR zoning has hindered the property in its ability to be developed. The community has grown and we have not been able to accommodate the City appropriately.

Showed conceptual images only to show, their future intent to integrate the community with residential, retail, commercial etc.

Questions or Comments from the Commissioners

Scott looking for clarification. Commercial on the bottom, and residential on top? Gosal, replied, yes, the intention is to comply with the CRS zone which includes a 60/40 split of commercial on the bottom and residential on the top.

Faber asked about the flood plain. How much of the property is in the flood plain? Gosal does not know the percentage. Gudde stated that property within the flood plain is able to be developed as long as it meets the flood plain requirements / specifications. Any development that occurs, must adhere to the current FEMA rules. At time of development, elevations would need be verified to establish finished floor elevations etc.

D. Veltkamp asked about soil types? Gosal stated that no soil analysis has been completed to date, however, will be done once we look to develop. Based on initial review of due-diligence reports, Gosal does not believe that there are any significant soil concerns that would negatively impact development on this property.

Korthuis referenced the narrative in the rezone application asking for clarification on “What’s more is that if the zoning designation does not change, development of the property is just not financially or economically feasible.” Gosal replied that there have been several attempts to develop the property, however, to date has not been done. The requirements for development, such as tie-ins to the sewer and flood plain issues, make the development and purchase of this property very expensive. A move to residential will make better use of the property to better serve the community and will also help bring more money into the project and make it more viable to develop.

Faber asked about existing septic systems in the area. Gudde, stated that the existing sewer system is located within the Guide Meridian and for it to reach this area would need to be pumped up to this location. There have been others interested in developing this property, however, the City was not working on a sewer pump station and the expectation was that private development would be responsible for the construction which is a large cost to put on a developer. Having sewer available to the property and to the surrounding area will be beneficial to the neighborhood.

K Timmer asked if the request was for rezone only or sewer as well? Only rezone. K. Timmer stated that the City has very little commercial on the west side of the Guide Meridian. Once the commercial is gone, it is gone. Maybe the City should not down zone at this time? We do have space for mixed use elsewhere in the City, just concerned in this area. In favor of mixed uses, loves affordable housing but this might not be the right location.

Gosal stated that supply and demand constraints are pushing people out of the market which are forcing families to rent or to commute from Bellingham. Have a mixed use development will allow families to stay in Lynden, will bring development back to Lynden, work in Lynden, support local businesses in Lynden and in general support the community.

D. Veltkamp stated that there are other mixed use properties in town of which the commercial portion has not filled along with several commercial buildings that are empty. Will we be sorry if we change the zoning?

Scott shares the same concern. When commercial is gone, it's gone. But we do need jobs and affordable housing etc. It is a difficult decision.

Gosal is aware of the mixed uses properties in town and she is not interested in being an owner of empty commercial space. The intent is to make the commercial usable for the residents. The concept is to integrate and serve the community, make it a useable space, compatible and a gateway into Lynden. This property is located at the entrance of Lynden and as we can see the commercial on the east side has done well, the west side could as well. This space could be usable and play off of the existing commercial that is in the area. We want to create a community space

Turner asked how long has the property been vacant? Gosal believes that the property has never been developed. Timmer stated that it used to be a dairy years ago.

G. Veltkamp is concerned that if commercial does not work then storage units could be created as they are allowed in the CSL zone? Gosal replied, that creating storage units is in no way her intention for this property. Gosal wants to create a space where residents thrive and have a sense of community.

G. Veltkamp asked if the Commission could place a condition on the rezone that would prohibit storage units? Gudde discourages placing conditions on a rezone. It is difficult to monitor over time. Self-storage is permitted in both commercial zones.

D. Veltkamp asked for clarification, there was no sewer available up until this point which could have had a hinderance on the development of this property, however, regardless of a CSR or CSL zone, sewer is a reality now correct? Guide replied, yes, it is on the City's work plan.

D. Veltkamp asked for any further comments from the Commissioners or the proponent?

Faber motion to close the public portion of the hearing. Seconded by Timmer and the motion passed 6-0

The Commission reviewed the following. To be approved, site specific rezone request must demonstrate that it meets the criteria listed 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; **No***

*B. The proposed site-specific rezone is consistent with the city's comprehensive plan and applicable subarea plan(s); **No***

*C. The project proposal is consistent with the city's development codes and regulations for the zoning proposed for the project; N/A, **no development proposal submitted.***

*D. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area; and **No***

*E. The proposed site-specific rezone will promote the health, safety and general welfare of the community. **No***

Commissioner Discussion:

- Several Commissioners agreed that there has not been significant changes.
- Lack of sewer could be a reason why the property was not developed in the past, however, that does not affect the zoning. With sewer coming to the property, it would be good for CSR or CSL and should not be tied to the zoning.

- Timmer stated that having sewer in that location may enhance the desire to develop in either zone, however, maybe it did not develop under its current zoning was because sewer was not available. Its hard to tell? We do not have a lot of commercial on the Guide Meridian. Mixed used is nice, but Timmer would prefer commercial for this location and residential somewhere else.
- Korthuis appreciates and agrees with Timmer. FEMA remapping and sewer are two major things happening with this property, however, neither one affects zoning and are completely separate issues. There have been no other changes to warrant the change. Having a hard time finding reasons to support the rezone.
- Faber can see the dilemma that the developers have. The property has sat vacant for a very long time. Sewer will be great for this area, but the sewer was/is not an impediment for development. Regarding zoning, Faber believes that mixed use density could lend well to buffering the entrance of Lynden from the existing RM2 zoning. Giving up commercial property on the Guide is concerning. However, encouraging development sooner than later is a good thing. Not opposed, there are benefits.
- Turner addressed traffic and the hard median and stated that mixed use would be better than a big box store. A traffic study would need to be done regardless of the use to determine a signal etc.
- G. Veltkamp stated that he can see both sides. Having successful independent businesses in that location would be great, however is having a hard time thinking what store would fit there. No opposition to rezoning.
- D. Veltkamp stated that under CSR zoning, you can have a 65,000 square foot building but you do not have to build a box store, you can build many different commercial options. Gudde stated that 5.6 acres is not viable for a big box store. The City is not seeing a lot of demand for commercial space, it is more for industrial at this time.

Gosal addressed the Commission and asked if she could respond to comments?

Timmer motioned to reopen the public hearing in order to allow the applicant to make a comment. Seconded by Turner and the motion passed 6-0.,

Gosal addressed the Commission and stated that she has two comments. Having sewer in that location does make it more feasible, however, the lack of sewer is a significant

impediment to any development regardless of the zoning. Several issues on this site (sewer, flood plain) make it costly to develop, not just the sewer.

A lot of discussion between CSR vs CSL. There was concern mentioned regarding storage units, industrial uses, which could be built under its current zoning. The important thing to figure out is what would be the most advantageous way to develop the property for the benefit of the residents.

Scott motioned to reclose the public portion of the hearing. Seconded by Korthuis and the motion passed 6-0.

Korthuis stated that the concept for mixed use in this location is a good one, but unsure of whether or not it would work. To steal away valuable commercial property for residential use on a high traffic thoroughfare is tough.

Timmer agrees with Korthuis and stated that the mixed use is better suited elsewhere. Does not see a box store coming into that area, however, there could be more of what is across the street. The better place for walk, live, mixed use should be our downtown not along the Guide Meridian. Once sewer is available to the property, they will be able to get their money out of the property as it will be much more valuable. Timmer would love to see a development in Lynden where one could live, get coffee and groceries all within walking distance, just would not want to cross the Guide for it.

Faber stated that there does not seem to be much support for recommending approval. Faber would rather see this type of development than industry and does not see a whole lot more needed for retail. The area is pretty much built out. Mixed use with some commercial would be a good thing.

Veltkamp stated that this is the only area for major regional commercial area in the City. Concerned with creating more vacant local commercial. Made reference to what happens to housing on the Guide (south of town). Likes the concept but concerned that this is not the place for it.

Korthuis referenced the criteria and asked if every one of criteria needs to be met in order to approve the rezone? Veltkamp replied, yes.

Turner stated that she agrees with Faber.

Timmer made a motion to recommend denial to the City Council of the O&S Site Specific Rezone #20-05. Seconded by Scott and the motion passed 6-0.

The Commission provided the following rational for denying the rezone is as follows:

1. **The rezone application does not adequately meet the criteria for a site-specific rezone.**
2. **Residential development which may occur in a mixed used project under CSL zoning will not promote the general health and safety of the residents and may hinder public safety.**
3. **There is not enough evidence to support the request to remove the property from its current zoning.**
4. **Limited CSR (Regional Commercial Services) property available within the city limits.**

B. Rezone #20-04, Kode Kamp Vista (Lagerwey), 8744 Northwood Road

Gudde summarized the request. Northwood Partners LLC, has applied for a site-specific rezone of approximately 28 acres located at the northeast corner of Kamm Road and Northwood Road. The subject property is currently zoned for single family residential with a minimum lot size of 10,000 square feet (RS-100). The applicant has requested that the zoning shift to a residential zoning known as Residential – Mixed Density (RMD). This is a zoning category that calls for a variety of lot sizes and is meant to accommodate detached single-family homes, attached (or paired) single-family homes, and duplexes.

The applicant has provided a narrative which responds to the site-specific rezone criteria found in LMC 17.19.050. Additionally, the applicant has simultaneously applied for long plat approval of the same property. The proposed 92-lot long plat utilizes the RMD lot configuration criteria described in LMC 19.16 and a variety of lot sizes which range from the 10,000's to the 6,000's.

Commissioner Veltkamp opened the public hearing.

Public Comment

Derek DeKoster, Agent for Northwood Partners LLC, stated they are looking to rezone 28.41 acres from RS-100 to RMD to accommodate a 92-lot subdivision. The price point and affordability of the 7000 square foot lot ranges in Lynden seem to be good fit for the community. The development will allow a variety of options to purchase at many different price points. There is a nice mix of lot sizes.

DeKoster noted that this will be an attractive development that we will be proud of.

Questions or Comments from the Commissioners

- Faber asked if the main reason for the change from RS-100 to RMD is to be allowed smaller lot sizes? DeKoster replied, yes, and to give a variety of lot sizes. Every lot is over 6000 square feet and it seems to work very well for the need in Lynden.
- Faber addressed Staff's concerns regarding the duplex parcels. Faber likes the idea of having duplex lots (91 and 92), located near the entrance of Northwood Road instead of locating them in the middle of the single family portion of the neighborhood. The square footages would need to be increased to 8000 to accommodate duplex. Having the duplexes near the main entrance of the development provides a parking concern on Northwood.
- Veltkamp has concerns with the RMD zoning if this specific plat design is not built as proposed? DeKoster stated that they have no other plans to develop something different than what is proposed. Put a stipulation on the rezone if you want. This is what we are building if approved.
- DeKoster stated that a trail will be installed along Northwood Road and will offer a wider Northwood Road width.
- Scott likes the proposal and agrees that the duplexes should be moved elsewhere.
- Faber stated that it is a nice layout with a good variety of lot sizes. The Commission could condition the rezone indicating that they will accept RMD zoning with only a certain number of lots or percentage of lots under 7200 square feet. Brief discussion and decided that a number was better than a percentage.
- Turner asked about the walking trail along Northwood Road. There will be a condition placed on the plat requiring that the trail must be part of the plan.
- Veltkamp is concerned with lots 32-35 and 62-65 as they are all very narrow. Do they have the ability to have varying house designs? Faber replied, the house will be narrow, however, you can change the appearance of the home to avoid a cookie cutter look. G. Veltkamp stated that you could make 0 lot line homes on those lots. You could definitely make them look different you just need to be creative. DeKoster was concerned with zero lot lines on lots that have slopes. Shea street homes are built on narrow lots, however, they turned out great. A lot of different builders come with their own ideas. There is good effort made to make each home different.
- Scott is all for the development proposal, it looks nice.

- Improvements to pedestrian protection. Improvements will take place West side of Northwood Road which will also provide a good connection to Brome Street.
- Numbering of the lots changed from 94 to 92 in order to adjust the subdivision standards.
- Faber – timing between Phase 1 and 2? DeKoster replied that the plan will be to complete phase 1 and begin phase 2 right away.
- Lagoon? Environmental review / Building Official will request more details if needed.
- Any special conditions with the proximity to the cemetery? The City is in contact with the Tribe and will continue to follow through.
- Timmer added to the chat “I think the builders who have previously built on smaller lots have done a good job in not making the houses look the same”.

DeKoster, thanked the Commission for their time. This development will be done well and will satisfy the need of the community. We have proven ourselves with the other developments we have done.

Scott motion to close the public portion of the hearing. Seconded by Turner and the motion passed 6-0

Other Commissioner Comments:

- Faber likes the layout and the plan. It is a good continuation of what has already been developed in the area. Scott agrees.
- Turner agrees and likes the variety of lot sizes.
- The Commission agreed that it is a reasonable request.

To be approved, site specific rezone request must demonstrate that it meets the criteria listed 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;

B. The proposed site-specific rezone is consistent with the city's comprehensive plan and applicable subarea plan(s);

C. The project proposal is consistent with the city's development codes and regulations for the zoning proposed for the project;

D. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area; and

E. The proposed site-specific rezone will promote the health, safety and general welfare of the community.

The Commission agreed that the rezone meets the criteria listed above and concurs with staff that:

- That the housing market has changed substantially since the property was originally zoned RS-100. Entry level home buyers would typically not be able to purchase lots within a RS-100 neighborhood. RMD zoning allows for a variety of lot sizes and associated housing types.
- The accommodation of additional housing units in this area serves the public good as it is located near to the Lynden Middle School and Cornerstone Christian school.
- The rezone is consistent with the City's Comprehensive Plan.

Faber made a motion to recommend to the City Council the approval of site-specific rezone request as presented by Northwood Partners LLC, application number 20-04. Subject to the following conditions:

- **That no more than thirty lots within this development be less than 7200 square feet.**
- **If there is a major change in the proposed plat design, the rezone would need to be resubmitted to the Commission for review.**

Seconded by Scott. Motion passed unanimously.

C. Long Plat #20-01, Kode Kamp Vista, 8744 Northwood Road

The Commission reviewed the Staff Report associated with the Long Plat. The request is to subdivide approximately 28 acres located at the northeast corner of Kamm Road and Northwood Road.

Plat design includes a curvilinear street which loops through the 28 acres, connects to the North Prairie Phase 7 plat to the north and accesses Northwood Road. The plat also includes two areas of wetlands near the Kamm Road corridor. These wetlands have been described and delineated in a corresponding critical area report. As required by LMC 16 the plat provides buffers to these areas.

The plat application initially requested 94 lots but after revision this was reduced to 92 lots. Lot sizes range from those which are over 10,000 square feet to those which are in the 6,000 square foot range. As required by code, the plat will designate housing types per lot. The applicant has indicated a desire to maintain all the lots for single family detached homes except for 5 lots near the Northwood entrance of the plat (see the lot layout legend for specifics). Two of the lots selected for duplexes (lot 91 and 92) will require modification to reach the minimum 8,000 sf size needed to accommodate duplexes.

Pedestrian accommodations will be made interior to the plat in the form of sidewalks. As the property is somewhat isolated from other pedestrian networks and as Northwood Road will not be improved for some time the SEPA determination included the requirement for the developer to participate in facilitating pedestrian / bicycle movement along Northwood Road. The Technical Review Committee determined that the most reasonable way to accommodate this under the current road conditions is to provide a widened roadway shoulder on Northwood Road that is delineated by a curb and flexible lane markers (similar to the treatment done on a portion of Line Road). The TRC further concluded that the west side of Northwood Road would provide the most opportunity for this widened shoulder and connection to other properties and the Brome Street intersection.

Recent revisions to the plat have included the lots which would accommodate duplexes. This includes somewhat of a 'pod' of duplexes on lots 1, 2, and 3 and well as two lots across the street. Locating duplexes here in an all in one location and utilizing an access easement is somewhat concerning as duplex residents will have little opportunity to utilize on-street parking. Parking pressure in this area may lead to residents parking on Northwood Road – which is not encouraged due to the substandard nature of this roadway. If duplexes are to be located in this area staff would recommend a plat condition that the developer create paved and striped on-street parallel parking areas along the east side of Northwood along the lot frontage of 1, 2, 3, and 92. Or, that the duplex lots be located elsewhere in the plat.

Questions or Comments from the Commissioners

The Planning Commission discussed the 3 conditions that Staff recommended for the proposed long plat.

1. Lot sizes be adjusted to ensure lots 91 and 92 reach the minimum of 8,000 sf to accommodate duplex construction. **The Commission would like to remove this as it no longer applies.**
2. Paved and striped on-street parking areas be created on Northwood Road to accommodate on-street parking needs of the duplex pod located at the entrance to the plat. **The Commission indicated that they would like to see the duplex lots be located within the interior of the plat, not on Northwood Road.**
3. Duplex lots be disbursed throughout **the interior** of the plat (on lots at least 8,000 sf or greater) in areas where on-street parking is more readily available.

In addition, the Commission addressed item #34 of the Technical Review Committee Report Trail Easement: This development is located along sub-standard roadways which do not have pedestrian accommodations. It is also identified along the proposed route of the East Lynden Loop Trail. As such, **the proposal must accommodate that trail system. At a minimum this must include a separated 8-foot wide asphalt pedestrian path and public access easement (if not in ROW) parallel to Northwood Road.** An equivalent amenity such as a more creative path winding through the development could also be proposed by the applicant during the long plat review process.

Veltkamp wanted to be certain that the Trail / Parks and Rec condition noted in the TRC report is included. Concerned that the Council does not read their entire packet and wants to be sure that the importance of installing a trail in so that it meets the goals of the park and trail master plan and the East Lynden Loop. The Commission cares about trails. Timmer stated that she believes the Council feels the same. Veltkamp agreed and stated that a lot of "plans" in East Lynden area never actually came to fruition.

Timmer does not mind having duplexes on Northwood Road, there just needs to be enough parking. In her opinion, single family is not great on Northwood Road and multi-family is not great in the middle of a development. Timmer would prefer to see the duplex lots grouped together. Will go with the majority.

D. Veltkamp is concerned with the traffic on Northwood.

Faber stated that he wants to give the developers the flexibility to decide on the duplex placement and does not want to dictate what lots they are.

Turner asked if the Commission could stipulate that there be enough parking to accommodate the duplex units? Staff replied that they will be required by code to have enough parking.

Other Commissioner Comments:

- The Commission agreed that it is a reasonable request.
- The Commission agreed that the long plat request will provide housing opportunities for the community.

Faber made a motion to recommend to the City Council the approval of the Kode Kamp Vista Long Plat #20-01, consistent with TRC report dated January 6, 2021 and further subject to the following conditions.

- **That duplex lots be disbursed throughout the interior of the plat (on lots at least 8,000 sf or greater) in areas where on-street parking is more readily available and that there be no single family or duplex parking allowed on Northwood Road.**
- **That the East Lynden Trail be extended along Northwood Road to meet condition #34 as noted in the Technical Review Committee Report dated January 6, 2021, under Parks and Recreation.**

Seconded by Timmer. Motion passed unanimously.

6. ADJOURNMENT

Motion to adjourn by Scott at 10:20 pm. Seconded by Turner.