

# CITY OF LYNDEN

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



## PLANNING COMMISSION MEETING MINUTES

7:00 PM November 14, 2024  
City Hall Annex

### 1. CALL TO ORDER

### 2. ROLL CALL

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

Absent: Darren Johnson with notice

Staff Present: Gudde, Planning Director and Samec, Planner

### 3. APPROVAL OF MINUTES

A. September 26, 2024 Scott / Kaemingk / 2<sup>nd</sup> 4-0

### 4. PUBLIC HEARING

A. Zoning Text Amendment to LMC 19.23.110 – Small Scale Mixed-Use

Gudde addressed the Commission and gave an overview of proposed code revision regarding LMC 19.23.110.

Staff is proposing an amendment to the City's Mixed-Use code in order to:

1. **Correct an error that occurred when the mixed-use code was amended in June of 2023; and**
2. **Allow property owners to seek a Conditional Use Permit to allow building heights to exceed 32 feet on Small Scale Mixed-Use properties.**

In 2022 the City adopted a revised mixed-use code. This code allows some commercially zoned properties to develop residential uses. The revisions were applicable to properties that were at least one acre in size and located near an existing commercial center. The code amendment also included provisions known as Small Scale Mixed-Use which addresses small commercially zoned properties within the Central Lynden Subarea.

In early 2023, these small scale mixed-use provisions were expanded by Ord 23-1669 to be applicable to a relatively small number of properties in the South Historic Business District. An error in the way that this ordinance was worded subsequently caused a significant portion of the mixed-use code to be deleted from the zoning code. It is imperative that the code be restored so that the ordinance is complete and usable.

At the same time, staff is bringing forward a concept related to the height restriction placed on small scale mixed use. The restriction was adopted to ensure that changes within these older neighborhoods of the city are sensitive to the surrounding structures because Small Scale Mixed-Use provisions allow commercially zoned homes in this area to convert to duplexes or triplexes depending on the size of the lot. It also allows for new construction at a similar scale so that they are sensitive to the surrounding structures. However, some areas of the Central Lynden and South HBD Subareas may easily accommodate buildings of larger scale due to their location and surrounding uses. Staff is proposing that additional building height, up to 48 feet, could be added in through a Conditional Use Permit if the site is found to be compatible with additional heights in the area. This provision already exists within the larger scale mixed-use code.

#### Commissioner discussion.

Discussion as to raising the maximum building height from 32 feet to 48 feet and also increasing the maximum number of stories from 2 to 3 or 4 stories.

The Commission also indicated that they were not comfortable with allowing 4 stories as it would not fit in with the area. They are comfortable with 3 stories as a maximum.

Regarding the building height, the Commission agreed that if the applicants need a CUP to go higher than 32-feet anyways, why not look at a higher maximum so that there is more opportunity for design. There is no rule saying that we have to approve it, however, we can hear the request, listen to the neighbors and require mitigation if necessary.

As the City continues to grow, it does make sense to allow commercially zoned homes in this area to convert to duplexes or triplexes depending on the size of the lot. The best location for density is near commercial services like the downtown. Downtown has the infrastructure ready for growth. Having residential to support the services is important. Its not healthy when a City stops growing.

After a lot of discussion regarding a maximum building height, the Commission is most comfortable with 48-feet tall and 3 stories. The Commission had no further comments.

**Scott motioned to close the public hearing. Seconded by Brar and the motion passed, 4-0.**

**Brar motioned to recommend to the Lynden City Council, the zoning text amendment to LMC 19.23.110, allowing small scale mixed-use projects to utilize a Conditional Use Permit to request an increase in the maximum building height of up to 48 feet with a maximum building stories be set a 3 stories. Seconded by Kaemingk, and the motion passed 4-0.**

## 5. DISCUSSION

### A. Comprehensive Plan Update – Population projections and Survey Results

In the summer of 2024, the Community Development Department conducted a survey to collect community feedback regarding the long-range plans for the growth of the City of Lynden. A majority of the 323 responses were collected through an online survey but others were done on paper especially for groups that prefer that format. The survey closed on September 13, 2024.

Included in this evening's packet are the community survey results. Only to keep discussion on topic, those comments that were written in have, for the most part, not been included tonight.

The Commission looked through the results and indicated that the survey outcomes were as expected. All agreed that it was good to see the survey results regarding salary, allocation of resources, housing desires, maintaining and repairing existing streets and sidewalks. Disappointed that there was such a low survey participation from the Hispanic population. The Hispanic population makes up around 13% of the community. It would have been nice for more involvement.

Gudde also presented a power point regarding the Lynden Comprehensive Plan Land Capacity Analysis dated 10.23.2024, prepared by Leland Consulting Group. The Analysis touched on HB 1220 and Housing Targets, Countywide Targets, Population Forecasts, EIS Alternatives, Income Band Targets, Income Bands and Housing Types, Potentially Developable Parcels, Mixed Use Overlay Parcels, ADU/Infill Analysis, Land Capacity Analysis and Conclusions & Options.

Affordable housing – can the city regulate housing pricing / rent?

The Growth Management Act requires local governments to plan for and accommodate affordable housing for all income levels. Zoning regulations and identifying land use designations where more residential development can help achieve this goal. The Community Development Committee has indicated support for using the OFM Medium. A couple of options on how this can be achieved is to increase the allowed density in the Mixed-Use Overlay or to potentially upzone small areas in central Lynden to allow apartment densities.

The Department of Commerce wants cities to have zoning categories that will accommodate many housing types in order to provide for varying income levels. The State is requiring Cities to have an option for affordable housing / higher density areas to provide apartment styled units, stacked units, apartments, townhomes etc.

Staff stated, some cities have inclusionary zoning which requires developers to provide a certain number of “affordable” homes within a development, however, often what ends up happening is if the city forces a developer to make 5 out of 100 homes feasible, the developer will find a way to increase the fees with other 95 homes to make back their money for the 5 they reduced which in turn may increase housing prices and depending on market conditions, it could leave low-income residents with fewer affordable housing options.

Being that Lynden has several churches that provide private housing / social services and assistance to the community, is there a way to get credit from the State for those services? No, the state is specifically talking about providing housing.

The next Planning Commission will be held on January 23, 2025

## **ADJOURNMENT**

**Scott motioned to adjourn the meeting at 9:00. Seconded by Brar and the motion passed, 4-0.**