



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

PLANNING COMMISSION MEETING MINUTES

7:00 PM April 25, 2024
City Hall Annex

1. CALL TO ORDER

2. ROLL CALL

Present:, Tim Faber, Darren Johnson, Jim Kaemingk, and Blair Scott

Absent: Khush Brar and Hollie Lyons with notice

Staff Present: Gudde, Planning Director, Timmer, Planner and Samec, Planner, Mark Sandal, Public Works

3. APPROVAL OF MINUTES

A. February 22, 2024 Scott motion / 2nd Kaemingk 4-0

4. PUBLIC HEARING

A. Annexation #24-01 – SW Lynden Annexation

Gudde addressed the Commission and gave an overview of the proposed annexation. Annexation process – petition granted by City Council, then can collect signatures from landowners within the requested area. Signatures must be collected from 60% of assessed value of the properties within that area. Then an application can be submitted to the city. Application is deemed complete and goes to a public hearing with the Planning Commission. They give a recommendation for accept, reject or modify the proposal. It then would go to Council for a resolution of intent.

Questions for the PC tonight is zoning designations, indebtedness.

The subject properties include approximately 279 acres located within Lynden's urban growth area (UGA). This area has been slated for future residential and industrial development.

The proposed annexation action would encompass the remainder of the unincorporated UGA located at the southwestern edge of the City. If added, this would extend the City limits to the intersection of Birch Bay Lynden Road and Berthusen Road. The City's Comprehensive Plan assigns land use within UGA areas while specific zoning categories are typically designated at the time of annexation. If annexed, the area would include properties that will accommodate Industrial and Medium-density Residential land uses to

the City. The annexation area also includes the City-owned parcel that contains the West Lynden Regional Stormwater Pond which would be zoned Public Use (PU).

The west Lynden area represents opportunities for both residential and business growth near the commerce and transportation corridor of the Guide Meridian. The annexation area south of Birch Bay Lynden Road currently contains large-parcel single family lots and easterly properties in this area remain low density residential – accommodating single-family homes and possibly duplex housing types. Approximately 40 acres on the south of Birch Bay Lynden Road but at the western edge of the UGA is slated to become industrially zoned. This area, along with the new low-density residential would become part of the West Lynden Gateway Subarea. The large parcels north of Birch Bay Lynden Road will be zoned for Industrial uses but will be part of the West Lynden Commercial Sub-Area. Annexation at this scale facilitates a comprehensive and proactive planning approach for infrastructure and stormwater facilities that may be needed as this area develops or redevelops.

The Community Development Department can report that across the city there are, or are slated to be, approximately 224 single family residential lots available and approximately 477 multi-family units, which include the recent projects of Lions Gate PRD, Towns Edge Apartments, City Gate Mixed Use proposal, and the Riverwalk condominium development. There are a number of small subdivisions representing infill projects throughout the city that will also supply additional single family home lots.

Together, these numbers represent about three years' worth of residential construction as the city has seen an annual average of 72 single-family units and 82 attached multi-family units.

The TRC Report highlights the following:

This annexation does not include a development proposal and any future development of the site will require a new application and review process.

Policy 2E of the Comprehensive Plan reads as follows: “The City of Lynden will maintain a lot inventory, or land supply, sufficient for five years of growth, at the densities designated through the Comprehensive Plan. The City will also focus on the Boundary Review Board criteria for the recommendation of future annexations as well the issues of capital improvements and financing. Where the establishment of a logical boundary may cause the City to exceed the necessary acreage for the adopted land supply, the City will phase the zoning for development in order to maintain the five year supply of land zoned appropriately for development.

The TRC has concluded its review and suggests the following zoning assignments:

1. Residential Mixed Density (RMD) to the low-density residential property as it offers flexibility in lot sizes and may include duplex housing types; and

2. TRC recommends the industrially zoned properties south of Birch Bay Lynden Road be assigned Industrial Business Zone (IBZ) which is the industrial zone with lower impacts; and
3. The industrially zoned property north of Birch Bay Lynden Road be assigned Industrial District (ID) to accommodate the greatest number of industrial uses and to be consistent with nearby zoning.
4. The city-owned parcel be zoned Public Use (PU).

Speaking in Favor:

Heather Mussard, 407 5th Street, Lynden - Representative

Mussard, NW Survey agent for property owners. Followed the process to be able to submit the application. As the application shows, the numbers are there.

Speak in Favor:

John Doornbos, resident of Lynden. 805 Flynn Road. Personal reason for doing so, property already has city water. Septic (1.35 acres) cannot handle additional development or new home. Annexation would provide opportunity for development and connecting to City services. Would rather work with the City than the county in pursuing permits. Property value would increase. City fire and police would be responding units. For other properties, no one would be forced to develop or change right away, but offers opportunity for development if so choose.

Will Vander Hage: Whatcom Manufacturing. Water in the area is not good. Would benefit from being able to connect to city services.

Speaking in Opposition:

Steve Schyluman, 371 Birch Bay Lynden Road - doesn't want City oversight. Won't be able to raise livestock, chickens, etc.

Dave Vesper: 357 Birch Bay Lynden Road. Doesn't want to connect to services, or see any benefit to being in the city.

Nelva Bouma: Doesn't want the pond to be negatively impacted (bird habitat) by future construction or potential expansions.

- Gudde describes some of aspects of stormwater detention at the pond. No anticipated changes to the existing pond, would be difficult. It may be possible for additional capacity on the property or nearby but would have to go through.

Question regarding animals: number of animals per acre. Types of animals which are allowed size of property.

Commissioner Scott asks about non-conforming uses at this time.

Janelle Schyluman – farming. Possible to zone or include language in the ordinance that would allow them to remain farming.

John Doornbus – Encourage city to be clear on those existing uses to remain. Suitability of development per specific lot. Development must meet standards that already exist.

Dave Esper - currently rent space for RVs. Would seek to allow these uses in the future.

Joe King 8049 Flynn Road – Neighbor has animals. Can a signed petition be retracted? Is it possible to stop this at this time? Improvements – when do those happen? Existing easements? Against the annexation.

- At time of development. The standards proposed would be considered and determined when property is developed.

Katie Es 357 Birch Bay Lynden Road – Can I submit written comments? Water rights? What happens with adjudication?

Yes, the city would transfer those water rights at time of development. In some cases, wells can remain for irrigation purposes.

Public Hearing closed.

Questions from the Commissioners:

Darren Johnson – Can we clarify existing uses and protect those uses in some way?

Animal uses, right to farm clause, city council, pace of development – extending services, roads, etc. size of annexation – long term growth.

Decision process: Code questions – 6 points regarding findings for the Planning Commission.

- 1) Development is consistent the Comprehensive Plan. Yes
- 2) Open space, drainage, etc: NA
- 3) Adaquately mitigates issues with Code: NA
- 4) Beneficial to public health, welfare: Yes
- 5) Does not lower level of service: NA
- 6) Areas proposed for dedication: NA

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

The Commission reviewed the analysis for annexation:

1. Whether the City shall accept, reject or geographically modify the proposed annexation area; and
2. Whether the City shall require simultaneous adoption of a proposed zoning regulation consistent with the City Comprehensive Plan and applicable sub-area plan; and
3. If such a proposal has been prepared and filed in the area to be annexed as provided for in RCW 35A.14.330 and RCW 35A.14.340; and
4. Whether it shall require the assumption of indebtedness by the area to be annexed.

The Commission also reviewed the 6 criteria listed under 17.09.040 (C).

1. The development is consistent with the comprehensive plan and meets the applicable requirements and intent of this code. **Yes, this area is included in the UGA for future growth.**
2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds. **N/A**
3. The development adequately mitigates impacts identified under Titles 16 through 19. **Yes.**
4. The development is beneficial to the public health, safety and welfare and is in the public interest. **Yes.**
5. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan, and fully complies with Chapter 17.15 of the city code. **N/A.**
6. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development and are proportional to the impacts created by the development. **N/A.**

No further comments from the Commission.

Johnson motioned to recommend the Southwest Lynden Annexation #24-01, to the City Council subject to the Technical Review Committee Report dated April 4, 2024, and if determined to be prudent, assess Whatcom County's infrastructure improvement costs to the benefitting properties. In addition, the following zoning assignments are recommended:

- 1. Low density residential properties be zoned as RMD**
- 2. Industrial property south of Birch Bay Lynden Road be zoned as _____IBZ_____.**
- 3. Industrial property north of Birch Bay Lynden Road be zoned as _____ID_____.**
- 4. The city-owned parcel used for the West Lynden Regional Stormwater Pond be zoned _____PU_____.**

Scott proposed a friendly amendment as a recommendation to property owners to document existing uses via zoning verification letter with City Hall so it is clear at this time.

Seconded by Kaemingk, and the motion passed 4-0.

Next meeting will be on May 9, 2023, topic will be LMC 19.33, Lynden Sign Code.

Comp Plan update underway. Consultants on board - just getting started. Vision, public participation.

Permitting software transition is beginning. Smartgov – by end of the year.

5. ADJOURNMENT

Scott motioned to adjourn the meeting at 9:10. Seconded by Kaemingk and the motion passed, 4-0.