



PLANNING COMMISSION MINUTES

May 25, 2017
7:30 PM
City Hall Annex

1. CALL TO ORDER

Chairperson Veltkamp called the Planning Commission meeting to order at 7:30 p.m. on Thursday, May 25, 2017, at the City of Lynden City Hall Annex.

2. ROLL CALL

Members Present: G. Veltkamp, Kok, Scott, Strengholt and D. Veltkamp,
Members Absent: Faber.
Staff Present: Gudde, Planning Director and Samec, Planner

3. APPROVAL OF MINUTES

A. April 13, 2017

G. Veltkamp motioned to approve the April 13, 2017, minutes as submitted. Seconded by Scott, and the motion passed 4-0.

B. April 20, 2017

Strengholt motioned to approve the April 20, 2017, minutes as submitted. Seconded by Kok, and the motion passed 4-0.

4. DECLARATION OF CONFLICT

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

5. PUBLIC HEARING

A. PRD #17-01, Shea Street Homes, 1363 Badger Road, Lynden

D. Veltkamp opened the public hearing.

Gudde reviewed the Technical Review Committee Report dated May 12, 2017.

Gudde stated that the Planning Commission is being asked to consider the approval of the Shea Street Planned Residential Development (PRD). This PRD is located in East Lynden and fronts along Badger Road just east of Line Road. The property is approximately 5.4 acres and is zoned RM-3. An existing home, which is accessed from Badger Road, will remain. The PRD proposes an additional 25 single family lots, common green space, and a pedestrian/bike trail along the Badger Road frontage.

The primary purpose of a PRD is to promote creativity in site layout and design, allowing flexibility in the application of the standard zoning requirements and development standards. The Shea Street proposal includes alternate standards for street width, the use of access easements, minimum lot size, and parking standards. In response, staff has proposed specific conditions (noted in the Technical Review Committee Report) related to the surface of the access easements, the parking requirements on the easement accessed lots, and the construction of pedestrian trails. With these conditions in place, staff recommends approval of the Shea Street PRD.

Speaking in Favor.

Bob Libolt, 125 Rosemary Way, Lynden

Libolt addressed the Commission and stated for this project, he is in partnership with Adriane Kooiman and Derek DeKoster. This project is a continuation of the original Shea Street Development that is zoned RS-72 and will provide the continuation of Shea Street to the north.

Libolt stated that the market is wanting affordable single family homes and hopes that this development can provide that need.

Libolt stated that the partners are okay with the conditions of the staff report. Libolt stated that he was asked to provide a response to some of the comments in the Staff Report and has done so in a document titled "Shea Street Homes Staff Report Comments" (attached).

Libolt also addressed the 24-foot access easement through the bottom of Lot 10 to assist garbage trucks etc. and stated that there is a grove of large mature fir trees in that location. If the access was not built the trees could remain. Libolt asked if the Commission would allow staff to accept an alternative to the connection to avoid the need to get rid of the trees all so that a garbage truck could have access?

Libolt is also asking for a reduced setback for driveways located on private lanes or access easements. Currently, the code requires 25-feet from the property line to the face of garage door and Libolt is requesting 20-feet. Libolt stated that in most jurisdictions, 25-feet would be quite large. Allowing 20-feet gives more room in the backyard.

Libolt stated that he is okay with the parking requirement of three stalls and would likely have 4 per lot. There will be no parking on the easements.

G. Veltkamp stated that he was concerned with the 4-foot side yard setback due to fire rating etc. G. Veltkamp wonders if the City should add a minimum eave size. Samec stated that the minimum eave as per the code is 12-inches.

Scott asked what proposed for Tract A and the Common Area and who will maintain these areas? Libolt stated that Tract A will be used for a small park with playground equipment and grass and the Common Area at the northern portion of the plat will likely be a community garden or similar. There will be a Homeowners Association and fees collected will go towards the maintenance.

D. Veltkamp thanked Libolt for his creativity, however, expressed concern with no sidewalks on the access easements. Safety could be an issue for children and for connection to the park / common area. Providing sidewalks or changing the surface or markings on the easements to help delineate would be a good idea.

Libolt stated that he feels easements are safer than normal streets and would disagree that they are unsafe. Planning is recommending scored concrete in order to better delineate the areas. Libolt is agreeable to that option.

There was discussion regarding installing a pedestrian trail / access to Tract A from the northern lots of the PRD if the access easement does not go through and the grove of trees stay.

There was also brief discussion regarding the wording for number 26 of the Staff Report. "A two-rail split fence shall be constructed along the entire northern property line....." Libolt stated that he does not want to block the access for lot 10. Gudde agreed and stated that the fence should be installed along the northern property line except along the driveway for lot 10.

Libolt also addressed the requirement to install a trail along the northern property line and stated that he is not opposed to it, however, wants to be certain that this will be a condition for all who develop along E Badger Road. Gudde stated that the Planning Commission will have the opportunity to make sure trail connections are pursued as development application come forward. In the near future, the Commission can expect to see a development application for the property directly west of this project.

D. Veltkamp asked about the construction of the homes within this PRD and is hopeful that it is not all one style similar to Fishtrap Landing. There should be a variety of styles and designs. Libolt agreed, he does not want all of the homes to look the same. The proposed development contract states that "identical front elevations of a model shall be separated by a

minimum of two residential structures, and shall not be sited greater than 3 times within any row of ten residential structures.” Libolt could add more language to the PRD contract if the Commission desires. The Commission agreed that the wording was acceptable.

G. Veltkamp stated that he is all for affordable housing, however, what could be done if someone purchased 10 houses and then rented them out? Is there a way to require that a percentage be owner occupied? Libolt replied, no. Bryce Park was heavily rented and it is a good neighborhood. Gudde stated that having rentals on the market is valuable as well.

Strengholt addressed the easement from the cul-de-sac north along the western portion of Tract A towards Badger Road and asked, what would prevent someone from driving a vehicle in that area? Could bollards be installed that would detour people from using the area with a vehicle. Libolt did not oppose the idea of bollards.

Strengholt also addressed the request for a 20-foot setback from property line to face of garage door and stated that a truck will not fit within 20-feet. Libolt stated that he prefers 20-feet, however, 25-feet will not kill the project if that is what the Commission prefers.

The Commission also discussed the 25-foot required PRD boundary. With the exception of Lots 7 and 14, all lots within the PRD are laid out where the rear yard setback provides the necessary boundary with a minimum rear yard setback of 25-feet. Lots 7 and 14 are laid out where the PRD boundary is the side yard with a proposed 4-foot setback. After much discussion, the Commission was agreeable to a 4-foot setback, provided that lots 7 and 14 be limited to a one-story building.

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

The Commission further discussed the setback requirement for the garage and agreed that a bit more space was necessary so that sidewalks and/or easements were not encroached upon.

In general, the Commission has no concerns outside of what was discussed.

Scott motioned to recommend approval of Planned Residential Development #17-01, Shea Street Homes, as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated May 12, 2017, and further subject to the following conditions:

- 1. To allow the option to redesign the access easement along the southern portion of Lot 10 to allow the existing grove of mature trees to remain. This redesign must include adequate mitigation to address the garbage truck circulation concerns.**

2. **Bollards to be installed at the cul-de-sac entrance of Tract A on Shea Street and on easement entrance between lots 10 and 11 north to the common area to prohibit all but emergency and maintenance vehicular access.**
3. **That the houses on Lots 7 and 14 be limited to the construction of a one-story building.**
4. **That all garages with direct access to private lanes have a minimum setback of 22 ½ feet from the access easement to the face of the garage door.**

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

6. NEW BUSINESS

A. Motion to allow pre-hearing order

Scott motioned to approve the pre-hearing conference and orders as cited below:

Pursuant to LMC 2.08, and LMC 2.08.060, the Planning Commission authorizes the Chair of the Planning Commission and legal counsel to the Planning Commission, and/or the City Planning Director to conduct pre-hearing conferences and issue pre-hearing orders related to the procedure and conduct of an open record appeal hearing before the planning commission. Issues that may be address in a pre-hearing order include, but are not limited to the following:

1. **Consolidation of the records for multiple appeals,**
2. **Establishing a briefing schedule and hearing dates**
3. **Establishing deadlines for identifying witnesses and expert witnesses,**
4. **Establishing a process and deadlines for disclosing, distributing and identifying exhibits,**
5. **Establishing motion schedule, if any,**
6. **Establishing E-service agreements (approve service of briefs/other pleadings by email)**
7. **Providing for, limiting or prohibiting cross examination of experts [and staff], and establishing rules and limitations thereto,**
 8. **Establishing Scheduling time for the hearing-allocation of time between the parties during the hearing, and**
 9. **Addressing other matters that the Planning Commission or the parties may identify.**

Seconded by Scott and the motion passed 4-0.

The next Planning Commission meeting is scheduled for June 8, 2017 at 7:30 PM.

7. ADJOURNMENT

Scott motioned to adjourn the meeting at 9:30. Seconded by Strengholt, and the motion passed 4-0.