



PLANNING COMMISSION MINUTES

June 8, 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, June 8, 2017, at the City of Lynden City Hall Annex.

2. ROLL CALL

Members Present:, Faber, Kok, Scott, Strengholt, D. Veltkamp, and G. Veltkamp
Members Absent: None
Staff Present: Gudde, Planning Director, Samec, Planner, and Sandal, Public Works.

3. APPROVAL OF MINUTES

A. May 25, 2017

Strengholt motioned to approve the May 25, 2017, minutes as submitted with the corrections to add Strengholt to the roll call and to change Solano to Gudde within the body of the minutes. 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. EXECUTIVE SESSION

The Planning Commission entered into Executive Session at 7:31 PM to discuss procedural issues.

The Planning Commission came out of Executive Session at 7:38 PM.

6. PUBLIC HEARING

A. LP #17-02 and DSV #17-01, Blankers Estates on the Ridge, Kok Road, Lynden

D. Veltkamp opened the public hearing.

Gudde gave an overview of the Technical Review Committee Report dated June 5, 2017.

The Planning Commission is being asked to consider the approval of the long plat known as The Blankers Estates on the Ridge. The long plat is located south of the Kok Road near the intersection of Kok Road and 17th Street. The plat is approximately 18.27 acres and has a multi-family zoning of RM-2 which allows structures to include a maximum of 4 units. The applicant, however, has proposed a housing type which is relatively unique. Using plat restrictions and covenants the intent is to create a neighborhood of executive homes on 34 large lots. These homes will have the opportunity to create a smaller, secondary, detached dwelling unit and an attached accessory dwelling unit for a total of 3 dwelling units per lot. Given these opportunities the density here could range from approximately 2 dwelling units per acre to a maximum of 5.6 dwelling units per acre if, all housing types are utilized. The applicant asserts that large lot homes with the opportunity for inter-generational and/or care-taker quarters is something that the market is demanding and can provide affordable housing opportunities in a pastoral setting. Staff supports this effort to provide creative means of increased density within the City of Lynden.

The design of the plat is constrained by the following issues: the flood plain for the Nooksack River encroaches into the southern portion of the property and; the only option for access to the City's street network is Kok Road which is in a sub-standard condition at the eastern end. Additionally, the sewer service is not able to be gravity fed into the City's system but will require a pump station. The plat is also located at the southern edge of the City's boundaries. The property currently provides, and will continue to provide, farm access to parcels located south of the plat within the jurisdiction of Whatcom County.

The applicant, in response to the constraints of the property, has requested two variances. Both variances have been mitigated by design features and, with conditions, have staff support.

One variance is to allow cul-de-sacs at lengths greater than 450-feet. This is mitigated by pedestrian and emergency access points at each end of the cul-de-sac. Staff does not support the use of these easements for day to day traffic due to the nature of Kok Road. The applicant has also agreed to place fire hydrants per the Fire Chief's direction.

The second variance requests a reduced width in right-of-way. This is a relatively minor deviation from the City standard which will allow the most constrained lots to have more square footage located outside of the river's flood plain. As noted in the staff report, the applicant will

be required to address flood hazards and provide mitigation plans for the Council's approval, and to meet building code at the time of construction.

Staff is supportive of the housing concept presented here. It should be noted, however, that due to the constraints of the property and the unique nature of the site and housing product, the implications of full build-out within the RM-2 zoning should be considered carefully. The applicant has provided a draft of the plat restrictions on the face of the plat. However, recent iterations of the plat design may be inconsistent with the attached staff report, such as restrictions on easement use. Staff recommends that these be reviewed carefully and revised as needed so that the intent of the long plat is clear prior to the preliminary plat moving forward to City Council.

Speaking in Favor.

Jerry Blankers, 500 S. BC Lane, Lynden

Blankers addressed the Commission and stated he is one of the partners for this project and is in favor of the project. The plan is to develop estate style homes with the option for detached units and inter-generational style living. This is a new concept for Lynden, however, has already seen a lot of interest. In addition to the plat notes, there will be min / max square footage requirements for the units located on site. Blankers also noted that this development will fit in better with the area than a development of all 4-plex units which could be built under the current zoning.

Blankers briefly touched on the variance requests, however, noted that Gudde's summary of the project was accurate.

Blankers also mentioned the floodplain and stated that their team is talking with FEMA daily to figure out necessary mitigation.

Arlene Sanders Blankers, 1409 Marietta Avenue, Bellingham

Sanders Blankers thanked the Commission, Staff for their hard work, neighbors and brothers. This unique concept will be something new for the community. There are several interested parties that are supportive of this idea. This property is zoned RM-2 which allows for a much higher density than what is being proposed. Our family wishes to be respectful of the surrounding neighbors and develop a plan that is generally consistent with and enhances the existing neighborhood. Sanders Blankers stated that their parents would be very supportive of this project.

Kathy Varner, 1787 Valmont Drive, Lynden

Varner addressed the Commission and stated that she owns property adjacent to the proposed development. Varner has respect for the developer and for the unique opportunity that this type of development will bring to Lynden. Varner stated that this will allow for

families to care for elderly parents. This form of living will be well respected and is desired in town.

Gary Vis, 518 Front Street, Lynden

Vis stated, as a resident of Lynden and as the Chamber Director, he is in favor of the proposal. People are looking for other options with some flexibility for unique opportunities. Generational housing is a good thing as it allows longer independence for elderly parents, individuals with special needs and or just another living unit for adult children etc.

Vis would encourage the Planning Commission to move forward with the project as presented.

Galen Laird, 1619 Kok Road, Lynden

Laird stated that he is not opposed, just has concerns regarding the awkward alignment of the 17th Street intersection and the potential for flooding. Laird stated that he is glad to hear that Jerry is working with FEMA. Laird is concerned that this development could displace water to someone else's property that currently does not have issues.

Laird also stated that the Blankers Family is a wonderful family.

Scott asked, during the flood events of the past, how far did the water rise?

Coren Fullner, 1595 Kok Road, Lynden

Fullner replied to Scott's questions and stated that the flood waters came up to the end of her driveway. Fullner is not opposed to the development and appreciates that this type of housing is being proposed. Fullner has concerns with the ground water issues and also indicated that the land is marsh land.

Arnie Blankers, Fairview Drive, Lynden, Lynden

A. Blankers stated that he and his family has farmed the property for 60-70 years and has never seen the water exceed the 50-foot floodplain.

Glen Blankers, 9383 Guide Meridian, Lynden

G. Blankers stated that he has been farming the property since the 70's with his father. There is a feed bunker located south of the barn at the 48-foot flood level and has never seen water within that area. G. Blankers has however seen the water at roughly the 46-foot level.

Dale DeBoer, 1609 Kok Road, Lynden

DeBoer addressed the big flood in 1989-1990 and stated the water was going under the Guide Meridian to the outlet pond. If that outlet was not there, there would have been more flooding on this property.

Randy Parsons, 1501 C Street, Lynden

Parsons stated that he owns a one acre parcel that adjoins the eastern portion of the proposed development. Will the existing 20-foot easement that runs north be used for access? Gudde replied, no.

Ramon Llanos, 5945 Vista Drive, Ferndale

Llanos addressed the Commission and stated that FEMA is in the process of lowering the floodplain to 48-feet, approximately 1-foot above the floodplain. There are strict restrictions in place that allow flood vents so there is zero net fill. The situation will not change the flooding or create a flood hazard to the neighboring properties.

Varner spoke again and stated that they built their home 15-years ago and during the flood the barn on the proposed property was not underwater. Varner has a video to prove it.

Kassi Simonsen, 1410 Foxtail, Lynden

Simonsen works in the real estate business and stated that in addition to the unique opportunity this development brings, not all lots will have additional units. Some people just want larger lots. While East Lynden is appealing to some, not everyone wants small lots. There is a demand for what the proposal is requesting.

Looking at the 17th Street intersection, Faber asked if there was a traffic study prepared for the proposal? Sandal replied, yes the submittal did include a traffic study and there were some suggestions with regards to vision easements north in order to retain vision at that intersection/ corner.

D. Veltkamp stated that most developments in town have two ways in / out. There is potential to add another access within this development. The plat includes two emergency access points, however, emergency accesses do not count as a secondary access. D. Veltkamp stated that having only one way out of a development is a concern as it has the potential to trap people.

There was also discussion regarding the access easement to the farm located south of this property. D. Veltkamp asked if the owner of the property to the south has indicated any concerns with regards to the access easement and its location? Glen Blankers replied and stated that he owns property south as does his son and they have no concerns. The Commission wondered if there should be some form of written correspondence indicating such. D. Veltkamp also expressed some concern with the farm access during a possible flood event.

J. Blankers stated that during their last development located north of Kok Road, the City was adamant that no more accesses were desired on Kok Road so that is why our team came forward with the one access proposal that we did. We were thoughtful in our thinking as we also decided to include two emergency accesses. In addition to the fact that the City was

clear on no more access to Kok Road, we also talked with the Fire Chief and was told that they were on board and happy with the emergency accesses as proposed.

Scott stated that a secondary access would be good and would provide more safety, however, he does understand the constraints due to other properties in the area.

Strengholt asked if there was a stormwater plan prepared? Llanos stated that the plan is still be worked on, however, the water on site will be collected, treated and released to an existing pipe with outflow to the Nooksack River. Strengholt asked, will this be the case for the entire development? Llanos replied that he has not yet completed the analysis, however, we may be able to include the entire development. With that said, once the capacity of the pipe is determined, we will use the available capacity and if necessary everything else will need to be infiltrated on site. Strengholt asked, how do you treat the water? Llanos replied, as per the approved manual.

There was also discussion regarding the encroachments on the proposed access road into the plat. Because of the existing building encroachment on the west of the proposed road, the road will need to be shifted about 11-feet which will cause lots 24, 25 and 26 to be reduced in size.

There was discussion regarding detached living units. D. Veltkamp stated that the code does not allow you to build a secondary building with living quarters in it. Gudde replied, that the property is located within a multi-family zone which allows multi-family development. D. Veltkamp stated that ADU's are permitted as part of the primary structure and have a maximum square footage of 600 square feet. If the request is to have units larger than that, they should be marketed as duplexes.

G. Veltkamp stated that ADU's must also be owner occupied whether in the primary or in the ADU itself. Could someone buy then rent out the units on site or could they be sold individually similar to a condominium? J. Blankers replied and stated that he does not want that. There will be a condition placed on the plat that indicates no further subdivision of lots within the plat. You buy the entire lot and all structures.

G. Veltkamp stated that he likes the concept, however, noted that some details have to be better clarified and he has questions about the single access.

Scott asked if the proponents would be willing to provide a through access west to Kok Road?

J. Blankers replied, we were told during the TRC process that the City did not want that and during the JoHanna's Place Long Plat process, it was made clear to us that the City did not want additional outlets to / from Kok Road.

Strengholt appreciates that the applicants are working with FEMA, however, until FEMA changes and publishes the revised floodplain elevations it is still a concern.

Kok motioned to close the public portion of the hearing. Seconded by Strengholt, and the motion passed 5-0.

The Commission further discussed the cul-de-sac length. Faber has some concern with the length and Scott indicated that he would like to see a secondary access to Kok Road.

D. Veltkamp stated that in her opinion the variance for the cul-de-sac is not necessary based on the amount of acreage that the Blankers have. The plat could be reconfigured.

Kok stated that the Fire Department indicated that the two emergency accesses with bollards etc. was acceptable. If the Fire Department is okay with the cul-de-sac then Kok is supportive.

Faber stated that he has no concern with the cul-de-sac to the east, however, would like to see the western cul-de-sac be looped up to Kok road. There is an existing driveway cut on Kok Road that is already in place. Faber stated that he would like to see some of the traffic safely move away from the intersection at Kok Road and 17th Street.

Faber also addressed the ROW width variance request and stated that he does not have a concern with the request. It is a minimal change from what is standard. Considering the floodplain, making more room for the lots is acceptable.

Strengholt and Scott concurred that the ROW width variance is not detrimental at all.

Strengholt stated that the proposed concept is definitely unique and something that the community needs.

The Commission agreed that there are some concerns with the cul-de-sac length variance request and would like to see the possibility of another option.

Faber motioned to deny the Development Standards Variance request #17-01 regarding the *cul-de-sac length with a single access* for the Blankers Estates on the Ridge Long Plat. Seconded by Scott and the motion passed 4-1 with Kok in opposition.

The Commission provided the following Findings of Fact to support their decision:

a. The Commission strongly feels that there needs to be more than one access to and from the proposed plat. The Commission has recommended that the proposed cul-de-sac on the western side of the plat be re-configured to allow through access to Kok Road.

G. Veltkamp also noted that more refined plat notes are required. The Commission would like the following additional conditions to be placed on the face of the plat:

1. That the primary structure must be built prior to the secondary unit.
2. Each unit must be individually metered.
3. No lot within this subdivision may be further divided in any manner.
4. The sale of individual units on the same parcel is prohibited.
5. All units must meet the parking requirements as set out in Chapter 19.51 of the Lynden Municipal Code.
6. One Accessory Dwelling Unit will be permitted in the primary dwelling subject to the requirements of Chapter 19.17 of the Lynden Municipal Code.

Faber addressed the rear access to lots 29 and 34 and asked if there should be further discussion on that design?

The Commission discussed the option to table the hearing to allow the proponents to reconfigure the plat and to come up with a design that eliminates the western cul-de-sac and provides a through street / access to Kok Road. This will also allow time for the proponents to refine the plat notes.

D. Veltkamp stated that she appreciates the proponent's creativity and understands the need. The area provides for a unique development in a beautiful setting and being that this is new for Lynden it needs to be done right.

G. Veltkamp motioned to table the Blankers Ridge at Lynden Long Plat and Development Standards Variance until the June 22, 2017, Planning Commission meeting to allow the proponents the opportunity to explore options regarding the redesign of the plat to eliminate the western cul-de-sac and provide a through street to Kok Road. Seconded by Scott, and the motion passed 5-0.

7. ADJOURNMENT

Scott motioned to adjourn the meeting at 9:30. Seconded by Strengholt, and the motion passed 5-0.