



## PLANNING COMMISSION MINUTES

August 3, 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, August 3, 2017, at the City of Lynden City Hall Annex.

### 2. ROLL CALL

Members Present: Faber, Scott, Strengholt, D. Veltkamp, and G. Veltkamp.

Members Absent: Kok with notice.

Staff Present: Gudde, Planning Director, and Samec, City Planner.

### 3. APPROVAL OF MINUTES

#### A. July 13, 2017

**Faber motioned to approve the July 13, 2017, minutes as submitted. Seconded by Strengholt, and the motion passed 4-0.**

### 4. DECLARATION OF CONFLICT

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

### 5. PUBLIC HEARING - Continued

#### A. LP #17-04, North Prairie Phase 7 Long Plat, 8818 Northwood Road, Lynden

Gudde reviewed the revised Technical Review Committee Report as well as her memo to the Planning Commission, both dated July 31, 2017.

The Planning Commission initially considered the North Prairie Phase 7 long plat on July 13, 2017. At that meeting the application was tabled to allow for plat redesign to accommodate and explore the specific issues described below. After redesign the plat has been reduced by one lot to 93 lots.

- *Access Easements:* Consistent with Chapter 18.14.100 only four lots, lots 15-18, at the end of 'D street' cul-de-sac utilize an easement for access.

- *Sewer Easements:* A 20' sewer easement has been shown between lots 4 and 5 to accommodate property to the north.
- *Fire Turnaround:* Lot 29 now includes a temporary easement which will accommodate the City's standard for fire turnaround, Figure 4-12 of the Engineering Design Standards.
- *Plat Note:* The note on the adjacent Troupe property "Building to be relocated" has been corrected.
- *Access Easement for Brome Street ROW:* At the July 13<sup>th</sup> meeting the Commission heard from Randy Troupe, owner of Lot A of the adjacent T&K Williams plat. Mr. Troupe's property is significantly impacted by an access and utility easement along its southern property line. This easement was intended for the continuation of Brome Street across Northwood Road. Mr. Troupe purchased his property with the easement in place, however he contended that the easement was intended only for utilities. He also stated that if it were used for right of way, he, as the property owner should be compensated. Legal review has been conducted by the office of Carmicheal Clark. They have concluded that the Easement Area described in Section 5 of the document recorded as AFN 2100903512, and referenced on the T&K Williams Plat, is intended as public right of way. Additional support for the intent of Section 5 is found in Plat Note 1. It states that, "at the time of road construction . . .". This reflects that the intent of the language is for dedicated public right of way.

The other objection from Mr. Troupe is that he should be compensated for the dedication. Legal review has found nothing in Section 5 to support this argument.

*Lane Alignment:* The Planning Commission discussed with Mr. Troupe the roadway design and alignment. Public Works has researched the maximum misalignment permitted per the guidance from Washington State Department of Transportation (WSDOT), Design Manual M, Chapter 1310 regarding land alignment. This chapter states that lanes should not be offset any more than 6 feet. If misalignment occurs, certain conditions must be met in the specific design of the intersection. The current misalignment roadway is four feet. The Technical Review Committee recommends that prior to final plat, a street section, which maintains a misalignment of 6 feet or less, and meets the conditions of WSDOT manual, be developed within the 60-foot right-of-way which is shown on the proposed plat map. An additional two feet of misalignment may be used to the benefit of the Troupe property but will not alter the extents or description of the existing easement as shown on the T&K Williams plat.

- *Lot Variation:* The applicant has altered the street design and included a variety of lot shapes and sizes in the redesign.
- *Safety Concerns:* During the public hearing at the July 13<sup>th</sup> meeting, a number of existing residents in the area voiced concerns about the safety of pedestrians, the speed of traffic, especially on Northwood Road, and the width of streets. These concerns are being addressed in the following ways:
  - The streets proposed within the plat use a City standard that will include 36 feet of pavement from curb to curb. This accommodates on-street parking and two lanes of traffic. No streets of reduced width have been proposed.
  - The City's Public Works Department will be coordinating with the Police Department toward facilitating a 25-mph speed limit on the portion of Northwood Road which falls within City limits. Incidentally, this is also happening elsewhere in the City. The speed limit on Line Road is also scheduled to be reduced to 25 mph as part of the roadway improvement plans happening in conjunction with the construction of the middle school.
  - As full-scale improvements to Northwood Road will not occur in the near future, interim improvements to this roadway, are under consideration by the Public Works, Planning, and Police Departments. This may include temporary walkways/trails along Northwood Road and pedestrian controlled crosswalks. These changes may be warranted as the build-out of residential neighborhoods in East Lynden continues. New changes must be done with extreme sensitivity to safety.

Bob Libolt, 125 Rosemary Way, Lynden

Libolt stated that the plat has been revised as requested. The plat now includes a new north south connector road, lot count has been reduced from 94 to 93, a sewer easement to the north property line and a fire turnaround has also been included. Libolt stated that there is a variety of lots and sizes, some of which will accommodate 3-stall garages and basements.

Libolt indicated that he is agreeable to the updated staff report / comments.

Libolt agrees that temporary trails are needed on Northwood Road, however, asked if it would be a requirement of the plat? D. Veltkamp replied, no.

Libolt also stated that he agrees with the statement from the City Attorney.

The Commission asked if Libolt has plans to extend the sewer to the south of the plat? Libolt replied, no, however, the Lagerway's (property owners) likely do.

The Commission stated that a covenant will have to be recorded on Lot 29 with regards to no parking in the fire turnaround area. Libolt concurred. Gudde mentioned that due to the revisions made to the plat, the hydrant plan may change once the Fire Department reviews the new plan which will be part of the civil review.

The Commission addressed the cul-de-sac and asked Libolt if there was a way to reconfigure access so that Lots 16 and 17 meet frontage requirements and only Lots 15 and 18 need an easement. Libolt replied, yes.

Randy Troupe, 8794 Northwood Road, Lynden

Troupe addressed the Commission and stated he is not in opposition of the development, however, is in opposition of the use of his property for the road. Troupe stated that it is the Planning Commission's job to discuss the impacts to other properties.

Troupe asked for the Planning Commission to read with him the dedication language written in the access and utility easement of the T&K Williams Short Plat. Troupe stated that he thought he would be compensated for this and questions why everyone is ready that section differently?

Troupe asked, when does the City ask for the area to be dedicated as noted in the language? The language also notes that nothing shall prevent the lot owners from objecting to request for payment of improvements to the R.O.W. or requesting compensation that they would otherwise be entitled to. Troupe does not necessarily want compensation, however, is asking that his land not be used. There is a disproportionate cost to giving up his land. Troupe again asked to not use his property for the proposed development.

Gudde stated that the City Attorney has confirmed that the easement is intended to be used for the extension of the road and it is a recorded legal document. Gudde stated that Troupe could ask for a written legal interpretation. There is time between Preliminary Plat Approval and Final Plat Approval.

At this time, Troupe could connect to sewer and not be required to pay for the hook-up fees. Troupe could decommission his septic system and make more buildable space for a garage / parking area.

D. Veltkamp asked if there are plans to provide Troupe with a driveway cut? Gudde replied, yes. During the civil plan review, the best location for a curb cut will be determined.

D. Veltkamp asked, if Troupe cannot comply with the City's onsite parking requirements could a variance be given that would allow him to use the street parking on Northwood Road? Gudde replied, the City Council cannot look at that issue until the applications comes forward to them.

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

Strengholt would like to see Libolt reconfigure the lots / accesses within the cul-de-sac to allow for Lots 16 and 17 to comply with frontage requirements.

Strengholt would also like to recommend that Brome Street be off set as much as safely possible to allow the maximum room for Mr. Troupe.

Faber stated that he likes the layout of this plat design much better than the original submittal. Faber would also like to see the lots within the cul-de-sac to be reconfigured so that Lots 16 and 17 meet frontage requirements.

Faber did note that Mr. Troupes situation is a difficult one and would like to recommend that the road alignment favor Lot A of the T&K Williams Short Plat as much as possible within the 60-foot R.O.W. of the proposed Brome Street.

G. Veltkamp addressed the fence encroachments shown on the plat and asked, when do they get resolved? Gudde replied, fence encroachments are a civil matter unless they are within the public R.O.W. No other questions.

Scott concurred with the other Commissioners.

**Faber motioned to recommend approval of Long Plat #17-04, for the North Prairie 7 Long Plat, as presented, according to the findings, conditions, and recommendations of the Technical Review Committee Report as revised dated July 31, 2017, and further subject to the following conditions:**

- **To reconfigure Lots 15 through 8 to allow for Lots 16 and 17 to meet the City's minimum lot frontage requirement, and**
- **To shift the road alignment of the proposed Brome Street to the south as much as possible within WSDOT recommendations and within the 60-foot right-of-way to favor Lot A of the TK Williams Short Plat.**

**Seconded by Scott, and the motion passed 4-0.**

D. Veltkamp thanked the applicant for their revisions. D. Veltkamp also thanked Mr. Troupe for coming to the meeting and encouraged him to follow through with the City by attending a Community Development Committee Meeting or request a written response from the City's legal counsel.

## **6. COMMISSIONERS CORNER**

Gudde gave a brief update regarding the long-term process of Pepin Creek.

## **7. ADJOURNMENT**

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