



PLANNING COMMISSION MINUTES

7:30 PM February 8, 2018
City Hall Annex

1. CALL TO ORDER

Chairperson Veltkamp called the meeting to order at 7:30pm.

2. ROLL CALL

Members Present: Faber, Kok, Templeton, D. Veltkamp and G. Veltkamp
Members Absent: Scott with notice.

Staff Present: Gudde, Planning Director; Samec, City Planner

3. APPROVAL OF MINUTES

A. January 11, 2018 Minutes

Faber motioned to approve the January 11, 2018, Planning Commission minutes as submitted. Seconded by Kok, and the motion passed 4-0.

4. PUBLIC HEARING

A. Proposed Changes to Chapter 17 and Chapter 19 of the Lynden Municipal Code regarding permitted commercial uses.

D. Veltkamp opened the public hearing.

Gudde addressed the Commission and stated that included in the Commissioners packets this evening are letters that have been submitted by Don Korthuis, Raymond Faber, and Ken Stapp regarding commercial uses.

Gudde stated that an outdated code, new proposed uses, the addition of business parks, response to the business community and a decrease in the demand for retail floor space are all reasons for the proposed update to the Lynden Municipal Code.

Extensive work has been done on this subject. The Commission held a workshop regarding this topic on December 14, 2017. In addition, Staff has reached out to the business community to hear their thoughts on this topic and what they feel might be within the community.

With regards to business parks, the use does show up in the Industrial Code so it is not completely new, however, it is a new proposed use within the Commercial Code.

Don Korthuis, 2151 Stickney Island Road, Everson

Korthuis indicated his support for changes to the commercial zone specifically relating to permitted commercial uses. Korthuis addressed his letter dated January 31, 2018 (attached) and stated that the changes proposed look acceptable, however, is concerned with the amount of Conditional Use Permits (CUP) that will be needed. In Korthuis' opinion, a conditional use permit is as good as saying your business is not wanted here. Korthuis feels that businesses will walk away when they hear a CUP is needed as it can be a lengthy process.

D. Veltkamp indicated her concern regarding uses that would be more appropriately located within a business park, but could also be allowed as a stand-alone business. Careful consideration needs to be given to that possibility.

Judy Smith, 131 S Meadow Lane, Lynden

Smith's property is located one lot east of the former border patrol station. Smith is concerned with any development that may devalue her home and neighborhood. Smith has concerns with approving the proposed changes as it would allow the new owner of the former border patrol station to continue operating without a conditional use permit. Smith stated that she is hopeful that the City will enforce compliance of the code.

Smith also noted that kennels should not be allowed in neighborhoods within the City and had questions regarding the vagueness of the "commercial sporting events" use. Commercial Sporting Events could be dirt bike / motor cycle racing and that also should not be allowed within neighborhoods or where it could negatively affect residential property.

Steve Moore, 1974 Midway Lane, Bellingham

Moore addressed the Commission and staff and thanked them for their work. Moore stated that it is important to look at all uses whether inside a business park or as a stand-alone business.

Staff stated whether inside a business park or not, there are several checks and balances that will occur to ensure compliance and community integration. There are several codes including Design Review Standards that need to be met for commercial businesses that locate in Lynden.

The Commission reviewed, line by line, the commercial uses as proposed. For the most part all Commissioners were in agreement of the changes. There was general conversation about various uses that could be located within a business park. Lengthy conversation was had regarding the newly added use of Contractors and Construction services. Faber noted that while some contractors would have a relatively minor impact, other contractors use extremely large equipment for excavation, etc. The Commission

discussed potential conflicts between equipment yards and neighboring uses. Mitigation of these yards such as screening was considered. Additionally, the Commission discussed the potential need for a Conditional Use permit for contractors using heavy equipment and potential ways to regulate this threshold. Ultimately, the Commission, seeing that farm implement and machinery sales (heavy equipment) has always been a permitted use in CSR, concluded that constraints to contractors with heavy equipment were unreasonable.

There was discussion regarding the required development agreement for business parks. Even though development agreements can be amended, the Commission did mention that the agreement should be broad, well thought out and written very carefully to avoid the need for a lot of changes in the future.

The manufacturing use was discussed at length. Commission considered the types of uses which might use this space and the potential impacts of these uses. The Commission agreed that an increase in floor area dedicated to manufacturing uses could be considered during the development agreement for a business park where proper mitigation of the use could be put in place. However, allowing additional manufacturing floor area in a stand-alone business should not be permitted without a conditional use permit. As such, manufacturing uses which would not be using at least 50% of their gross floor area for on-site retail or office use would be required to seek a conditional use.

To clarify, business parks will be required to formalize a development agreement with Council after receiving a recommendation from the Commission which will require uses; both conditional and permitted uses, parking standards, standards for screening outdoor storage, signage requirements and building siting with regards to street frontage and pedestrian scale.

Stand-alone businesses that require a conditional use permit will still be required to go through the standard CUP process which includes public hearings, notification to all property owners within 300-feet and full compliance with the CUP criteria.

Both Don Korthuis and Steve Moore thanked the Commission for all of their work. This has been a great process, thank you for letting us be a part of it.

Gudde stated that legal is looking into the proper language to be used for churches etc. The language may be changed to places of worship in order to better define the use. There are several uses that do not categorize themselves as a church. Staff asked if the Commission would be in favor of deferring to what legal recommends. The Commission agreed. Gudde also noted that the Community Development Committee had requested

to see the proposal before it moved on to the Council hearing. The CDC will meet on February 21st to review. The Council hearing is currently set for March 5th.

G. Veltkamp motioned to close the Public Hearing. Seconded by Faber and the motion passed 4-0.

No further discussion.

Templeton motioned to approve the proposed changes to Chapter 17 and Chapter 19 of the Lynden Municipal Code as amended regarding permitted commercial uses. Seconded by Faber, and the motion passed 4-0.

5. COMMISSIONER'S CORNER

Gudde informed the Commission of upcoming meeting dates and agenda items.

6. ADJOURNMENT

Kok motioned to adjourn the meeting at 9:40pm. Seconded by Faber, and the motion passed 4-0.