



## PLANNING COMMISSION MINUTES

December 14, 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, December 14, 2017, at the City of Lynden City Hall Annex.

### 2. ROLL CALL

Members Present: Faber, Templeton, D. Veltkamp, and G. Veltkamp  
Members Absent: Scott and Kok  
Staff Present: Heidi Gudde, Planning Director; and Dave Timmer, City Planner.

### 3. APPROVAL OF MINUTES

The October 12, 2017, minutes were postponed due the lack of a quorum.

### 4. INTRODUCTION OF LYNN TEMPLETON

The Planning Commission welcomed their newest member, Lynn Templeton to the Commission.

### 5. WORK SESSION

#### A. Proposed changes to the Commercial Code (Chapter 19.23)

Gudde stated that this evening is an opportunity for the Planning Commission to workshop the proposed changes to 19.23, and to hear feedback from the Commission prior to holding a public hearing.

Gudde addressed the Commission and referred to her memo dated December 8, 2017 (below).

**Background:** The City's current code on commercial land uses has been in place for some time and remained relatively static while the commercial and retail markets have seen significant changes. Retail floor space is not as essential as it once was yet the City's code is written to heavily require a retail presence in our commercial zoning categories. Many uses within our Regional Commercial Services (CSR) are permitted but only as part of a shopping

center / mall. This is limiting our flexibility to encourage small business establishments and growth within the City of Lynden.

At the same time, the City desires to support local businesses, some of which may both manufacture and sell their product out of the same location (and online). The City's code is relatively prohibitive of this business model. The CSR zoning category, for example, allows manufacturing, fabrication, assembly, woodworking, and metal working shops but only if 50% of the gross floor area is related to on-site retail sales. Recently, multiple business owners have explored this option but could not meet the 50% retail space requirement.

Additionally, the commercial zoning category does not include specific provisions for business parks although these appear in our industrial zoning. Staff is proposing that these condo-type settings could also be appropriate in our commercial zoning category and would increase the opportunities for businesses in their incubation period or businesses that are outgrowing their locations within the County.

Staff is seeking input on a proposed adjustment to the City's commercial zoning categories which will generally decrease the retail requirements for commercial businesses and increase the number of permitted uses. This concept was presented to the Community Development Committee at their November 15<sup>th</sup> meeting and was positively received with requests for a more specific redline of the proposed changes.

#### **For Reference:**

Lynden Municipal Code 19.23.10 Current Descriptions of the CSL and CSR Zoning Categories:

**Local commercial services (CSL):** The purpose of the CSL zone is to provide a location for local scale retail development (stores less than sixty-five thousand square feet), medical, professional and financial services. Development within this zone should focus on pedestrian connectivity to the surrounding area and mixed-use development is strongly encouraged. This zone, together with the historic business district, provides the primary location for civic and social activities within the community.

**Regional commercial services (CSR):** The purpose of the CSR zone is to support the development of large format retail and regional commercial development. This zone is located where larger parcels and arterial streets are available to support the traffic and land needs for these types of uses. This zone provides the primary location for businesses serving both the local and regional trade area.

19.01.030 LMC Current Definition of Business Park – allowed use in our Industrial Zones:

**Business Park:** A "business park" is described as group (minimum of two) of flex-type buildings serviced by a common roadway system. The rear side of the building is typically served by a garage door. Space may include offices, retail and wholesale stores, restaurants,

recreational areas, warehousing, light industrial, research and development. Not more than thirty percent of the total floor area of the business park may be used for retail sales. Storage or warehouse space for a retail use is considered retail floor space for zoning purposes.

**Proposed Change of the Regional commercial services (CSR) description:**

19.23.10(3) Regional Commercial Services (CSR): The purpose of the CSR zone is to support the development of large format retail and regional commercial development. In addition, this zone supports commercial establishments which require a retail contact with the public together with professional offices, shop work, storage and warehousing, or light manufacturing. This zone is located where larger parcels and arterial streets are available to support the traffic and land needs for these types of uses. This zone provides the primary location for businesses serving both the local and regional trade area.

**Summary of Proposed Changes to CSR permitted uses:**

- Reduce the percentage of floor area which must be dedicated toward retail space for manufacturing, fabrication, assembly, woodworking and metal working shops from 50% to 15% of the gross floor area of an establishment.
- Permit business parks as currently defined in the LMC but with a minimum retail component of 15%. Require development agreements with the City regarding outdoor storage, equipment storage, and parking requirements. Design Review Board approval required (as currently required of all commercially zoned businesses).
- Add these uses as permitted within business parks or permitted outright in CSR:
  - Contractors, Construction Services
  - Sign Design, Fabrication, and Installation Companies
  - Government Agency Offices
  - Medical / Dental Clinics
  - Pharmacies
  - Non-Retail Communication Services
  - Laundry / Dry Cleaning Facilities
  - Photography Studios
  - Business Schools
  - Retail Appliance / Electronic Repair
  - Wholesaling – including open to the public
  - Warehousing – including open to the public
  - Heating / Plumbing / Electrical Sales and Repair
  - Agricultural Products
  - Non-profit Offices, Warehousing
  - On-Site Hazardous Treatment/Storage
  - Research and Development Facilities
- Add these uses as conditional uses in CSR:

- Animal hospitals, veterinary clinics, kennels and veterinary laboratories  
Surgical Centers
- Revisions to CSL zoning
  - Revise language on pet stores
  - Add as a permitted use:
    - Government Agency Offices
    - Research and Development Facilities
  - Add as conditional uses:
    - Contractors, Construction Services
    - Sign design, Fabrication and Installation companies
    - Surgical Centers
    - Agricultural Product Sales
    - Non-profit Offices, Warehousing, and Sales

D. Veltkamp asked the Commission if they were comfortable with reducing the 50% requirement of floor area dedicated to retail space? Should property be rezoned instead to a designation that allows the use? D Veltkamp also asked if the uses should require a Cup so that the Commission could place specific conditions on each request?

Faber replied and stated that reducing the square footage of floor area for retail space to 15% seems minimal. Faber would prefer a higher percentage of 20% - 25%. The requirement could also be based on the size of the building?

G. Veltkamp generally likes the idea being presented and stated that office / retail space is definitely needed for a lot of businesses, however, not in a location within the downtown core or in a high rent/lease location.

Steve Moore, Commercial Real Estate Agent was also present. Moore stated that a lot of business need a “space” but not a “location”. Costs are a lot different per square foot in a business park vs. a shopping center with makes it more affordable for many businesses.

There was discussion regarding LMC Chapter 19.23 and the Commission proposed the following:

19.23.010 – zones defined was slightly amended to read as follows:

*Regional commercial services (CSR): The purpose of the CSR zone is to support the development of large format retail and regional commercial development. In addition, this zone may support commercial establishments which require a retail contact with the public together with professional offices, ~~shop-work~~, storage and*

warehousing, or light manufacturing. This zone is located where larger parcels and arterial streets are available to support the traffic and land needs for these types of uses. This zone provides the primary location for businesses serving both the local and regional trade area.

Changes to 19.23.020 as follows:

Under Permitted Uses. It states, in the table below, uses are noted as follows: P = Permitted Use, PA = permitted as an accessory use, PS- permitted as part of a shopping center/mall or business park and may not exceed twenty percent of the gross floor area. There was discussion about removing the PS entirely, however, the Commission chose to keep the language and add business park as shown above.

The following uses listed under 19.23.020 were discussed and amended as follows. The uses not listed were not changed/amended.

	HBD	CSL	CSR
Business Parks where at least 20% of the GFA is related to onsite retail or office use.	N	N	P(9)
Contractors, construction services	N	C	<del>P</del> C
Sign design, fabrication, and installation companies	N	C	<del>P</del> C
Government agency offices	C	P	P
Research and development facilities	N	P	P
Surgical centers	N	C	P
Barber shops, beauty salons	P	P	PS
Day spas	P	P	PS
Fitness facilities	P	P	P
Retail appliance and electronic equipment sales, including parts sales and repair	P	P	P
Wholesaling, including open to the public	N	N	C
Warehousing, including open to the public	P(6)	N	C
Retail heating, plumbing and electrical equipment sales, including parts sales and repair	N	P	P
Agricultural product sales	N	C	P
Pet supply store and grooming	P	P	P
Non-profit offices, warehousing, and sales	C	C	P

Manufacture, fabrication, assembly, woodworking and metal working shops, where less than 15% of the GFA is related to on-site retail. All uses subject to the performance standards of Chapter 19.25 of LMC		N	N	C
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(9) Business parks are required to formalize a development agreement with the City which, at a minimum, specifies a list of permitted and prohibited uses with the business park, outlines a parking and loading standards which anticipates the uses permitted, and addresses the potential need for and screening of outdoor storage areas and unique signage requirements. Architecture which addresses the street frontages at a pedestrian scale is required.

There was brief discussion regarding building design, building location, parking, screening outdoor storage and access to/from and within the park. Staff stated, those issues would be discussed during time of application and would require TRC review as well as Design Review Board approval. As mentioned in (9) above, business parks would also be required to formalize a development agreement that would be seen by the Commission, approved by Council and recorded against their property.

For the most part, the Commission appeared to be open to the idea of a business park use, however, have slight concerns about the potential for incompatible uses etc. The Commission would like to further discuss during a community meeting / public hearing. It will be important to hear what local businesses have to say as well as the public in general.

## B. Update of LID Code Amendments (Titles 16, 18, and 19)

On September 14, the Planning Commission held a public hearing to discuss proposed updates to the Lynden Municipal Code meant to encourage the use of LID techniques in future development activities. The changes to the planning titles focused on:

- Allowing flexible lot design that encourages LID
- Minimizing impervious surfaces in public infrastructure
- Encouraging infill where appropriate (infill subdivisions and Accessory Dwelling Units)
- Strengthening landscape requirements, specifically on multifamily developments

The Commission recommended approval of those updates. Following that meeting, the chapters were sent to the Department of Commerce to commence their 60-day review and to our legal counsel for their legal review. The legal review resulted in some changes to what you saw – much were language and formatting changes. One significant change was the removal of “Waiver” language in a few locations in Title 18 and 19. The City’s legal counsel recommended removing the waiver language because it does not explicitly lay out the approving procedure for receiving a waiver. Legal counsel was uncomfortable with the lack of

clarity in what constitutes an LID technique and what does not. Staff concurred and on December 4, Council adopted the updates with the waiver language removed.

## **6. COMMISSIONERS CORNER**

D. Veltkamp stated that she had spoke with Gudde regarding the desire to have the Commission re-workshop the information that was discussed at the Pepin Creek meeting held on November 30th. Gudde stated that there may be an opportunity to discuss the topic in February, however, would need to get back to the Commission on a date.

D. Veltkamp also asked when a good time would be to talk as a group regarding the Planning Commissions observations regarding various issues during the appeal hearings? It was decided that no discussion should be had about the appeals until the proceedings are finalized/closed.

## **7. ADJOURNMENT**

**Faber motioned to adjourn the meeting at 10:25 PM. Seconded by G. Veltkamp. The motion passed 4-0.**