



## PLANNING COMMISSION MINUTES

7:30 PM September 13, 2018  
City Hall Annex

### 1. CALL TO ORDER

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

### 2. ROLL CALL

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

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

### 3. APPROVAL OF MINUTES

#### A. August 23, 2018 Minutes

Templeton motioned to approve the August 23, 2018, Planning Commission minutes as submitted. Seconded by Faber, and the motion passed 4-0.

### 4. DECLARATION OF CONFLICT

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

### 5. PUBLIC HEARINGS

#### A. CPA & RZ #18-01, Lynden Door, 2077 Main Street, Lynden

D. Veltkamp opened the public hearing.

Gudde reviewed the Staff Report dated September 5, 2018.

Lesa Starckenberg, on behalf of Lynden Door, Inc, has requested an amendment to the City's land use map and a simultaneous rezone for approximately 14 acres located on the west end of the City and contiguous with the existing campus of Lynden Door located at 2077 West Main Street. Portions of the acquired property have a land use and zoning classification of commercial. The remainder of the subject property has an industrial land use but is zoned Industrial Business Zone (IBZ). The proposed action will bring all of the company's property in this area under a consistent land use of Industrial and zoning category of Industrial District (ID).

The Lynden Door company, one of the largest employers in the City, has seen recent growth and has begun expansion plans for the subject property. To date, these plans have been somewhat restricted by the existing zoning categories. The proposal, if approved, would provide continuity with the existing 52-acre campus and allow for a full range of manufacturing and material storage uses to occur on the newly acquired property.

The Technical Review Committee has completed their review without raising points of concern. As typical, future development will be subject to the codes and standards of the Lynden Municipal Code. The applicant is aware that Duffner Creek, which runs through the subject property, is considered a critical area and associated buffers must be recognized and protected.

### **Speaking in Favor:**

#### Lesla Starkenburg, 313 4th Street, Lynden

Starkenburg is the Agent for Lynden Door / JD Bargaen. Starkenburg addressed the Commission and stated that the purpose of this application is to zone the 14-acre piece of property consistently with the rest of the campus. Recently Lynden Door acquired two properties to accommodate their growth.

Starkenburg stated that the plan amendment is consistent with the Lynden Comprehensive Plan. The West Lynden Sub-Area is primarily zoned for a combination of industrial and commercial land uses. The property included in this application is adjacent to both commercial and industrial uses. Years ago, the City predicted which lands could develop in which manner but the exact zoning lines were not set to achieve specific goals. The requested amendment to the Comprehensive Plan will result in additional infilling within the City limits of Lynden which is consistent with the Growth Management Act and Lynden's Comprehensive Plan. As a result of the current ownership of the parcels, infill will occur more quickly if the property is designated industrial versus commercial and therefore, may facilitate infrastructure development in this area for the City sooner rather than later.

For years, Lynden Door has talked about expanding. The company has been a large contributor to the community and their continued growth it is exciting for Lynden.

In closing, Starkenburg stated that the proponents have reviewed the Technical Review Committee Report and are accepting of the conditions.

Templeton asked when did the applicant purchase the other two properties? Starkenburg replied that the Scholten property closed January 2018 and the Bedlington piece closed the second week of March 2018.

Any plans to use the pipestem for access? Starkenburg replied, no, not at this time.

Faber had questions regarding the buffer requirements. Duffner Creek follows the east boundary of the property. Lynden Door is currently constructing Building 10 and 11 which are designed and positioned to be outside of the 100-foot buffer.

Templeton asked Starkenburg to explain what changes have occurred that would justify the request? Starkenburg replied, there is a need for industrial property. Lynden Door does already have property to the west, however, the infrastructure has not yet been built out and is not ready for use. The site is located adjacent to the applicant's existing property, which is used for industrial purposes. The site has limited access to road frontage. Therefore, industrial development is more appropriate for this site.

Gary Vis, 518 Front Street, Lynden

Vis stated that the Lynden Chamber is in favor of the proposal. Lynden Door has been a great hometown business. To ease their burden a change to the zoning is appropriate. As a large employer within our community it is important to support them.

**Speaking in Opposition: None**

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

The Commission looked to the following questions:

1. **Is the request consistent with the Growth Management Act?** Yes, the City's Comp Plan supports the growth of local economy.
2. **Is the request in the best interest of the City as a whole?** Yes. Opportunities to create additional jobs is a benefit to the community.
3. **Is the request consistent with the goals, policies, and objectives of the Comprehensive Plan?** Yes, the property in question is in an appropriate area for industrial zoning. It is tucked away, protecting the forested area which gives it a visual barrier. The buffer will stay intact and screen the use.

If it is determined the answer to those questions regarding land use are 'yes', then the questions specific to the *rezone* should be asked:

1. **Have circumstances in the community changed sufficiently to warrant the rezoning of the property?** Yes, more industrial property within the proximity of Lynden Door is needed to accommodate the company's growth.
2. **Does the rezone relate to the public health, safety and welfare of the community?** The creation of additional jobs within the community.

3. **Is the rezone a “spot zone?”** No, it is not a spot zone as there is other industrial zoned properties in the area.

No further discussion.

**Faber motioned to approve Comprehensive Plan Amendment & Rezone # 18-01, Lynden Door, as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 5, 2018. Seconded by G. Veltkamp and the motion passed 4-0.**

**B. CPA & RZ #18-02, City Bible Church, 1986, 1450, and 0 Main Street, Lynden**

D. Veltkamp opened the public hearing.

Gudde addressed the Commission and stated City Bible Church, formally known as Word of Life, has ceased to operate at the Lynden facility located at 1986 Main Street. Since the closing of the church, the property has been deeded to the larger church organization. Representatives from Portland, Oregon have been working with AVT Consulting, LLC to process the proposed land use applications on the property.

The agent for City Bible Church has requested an amendment to the City’s land use map and a simultaneous rezone. Currently the entire property is zoned single family residential with a minimum lot size of 10,000 square feet (RS-100).

The existing facility, which utilizes approximately 6 acres, has housed a variety of uses. Most recently it has served as a facility for Lynden Academy which is a partnership with the public school district and local home-school families. It is also being used by a non-profit for community events and athletic activities. The remainder of the 27-acre property is vacant or leased for agriculture use.

The applicant has independently visited with neighbors in the area and held a neighborhood meeting to discuss the change. The Planning Department has received 2 letters of opposition, 1 letter of support, and 2 requests to speak at the Planning Commission’s public hearing. Concerns expressed are frequently related to additional noise, traffic, and lights as well as the fear of more nefarious impacts such as crime, garbage, or rodents. The letter of support expressed an opinion that the proposed change is appropriate and timely.

Conclusions of the Technical Review Committee are supportive of the proposal with most comments being advisory as they relate to the required review and standards which will be applied to future development. Commercial opportunity on the most traveled corridor in the City has merit. And, transitional zoning categories of commercial (CSL) to medium

residential density (RM-3) to low density residential (RMD) provide a variety of housing opportunities while reducing zoning boundary conflicts. Landscape buffers are required between each category consistent with the City's landscape code.

Traffic studies will likely be triggered by the future development of this property to determine appropriate improvements. Pine Street, stubbed off of 19<sup>th</sup> Street, has been constructed with the intent of accessing this property. Additional access points should include Main Street and potentially the Guide Meridian.

Commercial frontage along Main Street has been requested for the existing church facility. While commercial zoning here may provide for more flexibility of this space, such as the permitted use of community facilities or churches, conditional use permits would still be required for school uses.

It is important to note that staff has expressed concerns related to the depth of the proposed commercial area along the frontage of the Guide Meridian due to buffer requirements, minimum setbacks, and future parking requirements.

On September 9<sup>th</sup>, the City received a revised map illustrating new boundaries for the proposed rezoned areas. The submittal also included responses to the questions outlined in the Technical Review Committee Report.

### **Speaking in Favor:**

Ali Taysi, ACT Consulting, 1708 F Street, Bellingham

Taysi is the Applicant/Agent for City Bible Church. Taysi stated that City Bible Church is not the developer, however, has joined with Lionsgate Development Company which consists of three Whatcom County residents.

Taysi stated that the existing church facility users include a variety of non-profit community and athletic activity programs as well as Lynden Academy which is a partnership with the public school district for local home-school families. The developers of the property have plans to short plat and sell the church facility along with 4 acres of land to Luke Ridnour which will allow the existing church facility uses to continue.

With regards to the recently revised application, Taysi stated that new information was generated in response to Staff questions noted in the Technical Review Committee Report as well as concerns generated at the neighborhood meeting. Additional planning effort has resulted in changes to the proposed rezone boundaries. The proposed rezone still contemplates the same three zoning designations in the same general locations. The primary change reduces the area of CSL zoning. Taysi stated that the proponents share the concern raised by staff regarding the depth of the CSL zoning, which was originally presented

as 200-feet from the Guide. Their group recently learned that there is a buffer that extends onto the property from the ditch running along the Guide. This buffer will impact visibility of the property from the Guide, will limit access points and will push development back 50-feet to 100-feet. This would require an increase in the depth of the CSL zoning further east than desired. Instead, the proponents have chosen to modify and reduce the CSL zoning area by eliminating the northern portion and concentrating the area at the southwest corner of the property along Main Street.

While the property owners still believe that commercial development is viable they chose to reconfigure the area.

Taysi noted that there were also concerns raised from neighbors regarding the transitional zoning adjacent to the RS zoning. Taysi stated that RMD zone will provide a good transitional buffer to the RM3 and CSL. Taysi also states that the RM-3 zone was chosen not with the intent to build tall multi-family structures, however, in order to allow more density.

The proponents are looking forward to building a mixed use development that will be an asset to the community.

Ali has spent a lot of time reviewing the City's Comprehensive Plan and this development meets the requirements as well as the goal for growth. This project will include various housing types and services which will accommodate the community well.

Traffic will be appropriately dealt with at the time of development as will all other development issues.

Templeton asked if the entire parcel is zoned residentially. Yes, it is zoned RS-100 and the church operated under a Conditional Use Permit.

### **Speaking in Opposition:**

#### Fred Likkel 949 19<sup>th</sup> Street, Lynden

Likkel thanked the Commission for their time. It is important that we focus on the Planning Commissions job of upholding the Comprehensive Plan. The applicants answer to the 4<sup>th</sup> question of the Technical Review Committee Report indicates that no environmental constraints exist. The ditch along the Guide is a fish bearing. This property has significant drainage issues as it sits at the bottom of a large funnel. It drains through the property and the soil is very poor. If this property is developed significant water issues will arise and the neighbors will feel the negative effects of it. Growth needs to be balanced against all needs not just the needs for growth.

Donna Honorof, 1853 19<sup>th</sup> Street Court

Honorof states that the windows of their kitchen, dining room and living room looks out to this property. Lynden is special and she does not want homeless people, low income housing and crime. Urge to deny as she does not want the community to change.

Mark Bugas, 924 19<sup>th</sup> Street

This appears to be a reoccurring event. Bugas stated that this is the 4<sup>th</sup> attempt the City has made to rezone this property. This is a spot zone. This is all about the City trying to get more commercial development because they gave it all away somewhere else. The fact that Luke is interested the property now is fine, however, if/when he sells the property in the future, it will already be zoned commercially for the next owner and who knows what will come at that point. Reject the request. It is not necessary. If the owners want to develop the property, build single family homes. Bugas stated that he did not even touch on the topic of traffic.

Duana Adams, 860 19<sup>th</sup> Street

Adams stated that all of her comments planned for this evening was prepared based on the old plan. No comments have been prepared on the new plan as we were only made aware of it tonight.

Adams stated that her home is located on the 19<sup>th</sup> Street stub. How many additional people will this bring to the area, how many homes, how many multi-family homes, how many cars, how many exits to and from this property? Too many unknowns. When Luke sells his property what will go in there next. Please ask the proponents to leave the area as is and put in single family homes.

Don McQuarrie, 710 Woodview Court

Concerns regarding commercial zones. Lynden already has 5-6 commercial zones with vacancies, do we really need another one. Have you driven through Cordata in Bellingham? Do we really need it here in Lynden? McQuarrie encourages the Commission to say no.

Ben Honorof 1853 19<sup>th</sup> Street Court,

Honorof lives directly across the street. Honorof was told 5 years ago that Lynden does not allow rap music and that police will escort listeners out of town back to Bellingham. Low income housing will bring gangs, drug needles, graffiti and rapes. They have seen what happened when low income development occurred in other locations. Lynden is the nicest place they have ever lived, and they do not want to see Lynden to go downhill. Honorof then displayed a sign that indicated his concerns.

Tory Johnson, 896 Fern Drive

Focus on the Comprehensive Plan. Vision statement indicates that the goal is to retain values, agriculture roots and small town character. Johnson referenced the 2004 West

Lynden Sub-Area and stated that it discourages the development of strip malls along the Guide Meridian. This application is not consistent with the Comprehensive Plan. Burden is on the proponent which they have not proved. This application should fail.

Jacob Buurma, 1843 Main Street #C2

Buurma is retired and chose to move to the area because it is close to the Canadian border. Buurma was impressed by Lynden. If this proposal is approved, Buurma would be concerned with the potential traffic patterns, one entrance from Pine Street to the development and the amount of people the development would bring. Keep the zoning for single family.

Helen Martin 8392 Meadow Lane

Concern is mainly with the commercial zoning. Living next to the church is a great asset to the community. It is like living next to a greenspace. It provides a place for kids to play and ride their bikes and for people to walk their dogs. Putting commercial in that area will change the feel of the neighborhood. There is no buffer to protect the existing neighborhood, nor is their protection for children walking to and from the area? The proposal is too vague to approve. We do not want a gas station or commercial development. Martin understands the need for affordable housing but this is not the place for commercial development.

Stephanie Rodgers, 1314 Westview Place

Concerns regarding commercial development next to a school. Traffic concerns. The intersection of Guide Meridian and Main Street is already busy/heavy. With new commercial businesses in town, what will happen to the small local commercial businesses already here. Urge you to vote no on this application.

Gary Vis 518 Front Street, Lynden Chamber of Commerce.

Not opposed not in favor just comments.

Vis stated that there is currently 900,000 square feet of commercial space in Lynden of which roughly 110,000 square feet is available. Vacant space downtown becomes harder to fill when more commercial space is made available in other locations. Vis noted stats that there is roughly 64.5% square feet of commercial space per resident. The US average is 45% and Great Britain at 9%. Lynden has too much commercial. Commercial is difficult to fill so why add more.

There are 5 existing commercial areas in Lynden. We need more wallets not more places to open our wallets. Commercial should be closer to downtown not on the outskirts which make it more difficult to support the exiting commercial development.

Vis feels that something better can be worked out with the proponents that would be for the good of the community.

Mike Wilson, 936 19th Street

Wilson shares the concerns with some of the neighbors. What about schools, they are already filled to the max. There is also a severe lack in police officers. Keep the zoning as is. Has there ever been a for sale sign on the property that would allow development under the current zoning? Against proposal as submitted.

D. Veltkamp asked, with the RMD zoning currently in flux, how do we approve zoning that is not yet updated. Gudde replied, the RMD zoning is a mix of single family, duplex and tri-plex which requires an 80% buffer to the adjacent zone. It encourages homeownership in an attached product. It is correct that the RMD zoning is in redline form, however, it has not yet been changed. Therefore, the proposed RMD zoning must be looked at as it is currently written.

Scott asked the proponents if they have anyone interested in the proposed CS portion of the property? Ali replied, other than Luke and the existing facility, not yet.

D Veltkamp asked why did you choose to put commercial development along Main Street? Taysi stated that the soul intent of the commercial is to facilitate the exiting use. The plan is to separate the church building and associated parking so that the use can continue to be used along with other possibilities without a conditional use permit. Having commercial zoned property in this location provides a better opportunity for use.

D Veltkamp stated that if you drive along the Guide Meridian you will see all commercial / industrial development. Why would you run high density residential units along the Guide? It will be a small pocket of development that will be out of place. Taysi replied, originally that was not the plan, however as mentioned earlier, in order to make the Commercial property viable it would need to be deeper and closer to the existing residential which we did not want to do. The revised layout was a better option.

Faber moved for a short recess.

Taysi stated that there appears to be great concern for retail development, or the fear of sneaking commercial in. This is ultimately a residential development with some neighborhood commercial / business operations. There are a lot of different kind of commercial uses it's not just retail. A lot of the things heard tonight are driven by fear. We have never uttered the words strip mall, low income housing, high density etc. and we do not envision that type of development in this area nor do we want that misconception in the community, with the Commission or with Staff. Those are not things we have proposed. In fact, the proponents are open to the Planning Commission limiting or conditioning the types of commercial uses permitted which would address the concerns of the neighborhood.

Taysi apologized for not providing the revised map sooner, however, new information and concerns came forward a bit late in the game that we felt warranted this revision. The proposal is not dramatically different, but it is different.

It is important to acknowledge that while we do not have a development plan, we will be held to the standards and conditions of the City at the time of development. Stormwater, traffic impacts etc. all of these issues are addressed by ordinances that the City of Lynden has already adopted. For example, the City has adopted the 2012 Department of Ecology Manual. That manual is the most advanced best available science that the State of Washington has produced. When a project is developed regardless of its zoning, it will be subject to the regulations. The material concerns heard regarding this development are not relevant to this particular rezone and comprehensive plan amendment proposal. They will however, be relevant when we go in for additional permitting. We recognize that other people have proposed other things, however, we are proposing a true mixed residential development.

Taysi also wanted to comment on an earlier concern regarding consistency with the Comprehensive Plan Amendment. There is a lot of information in the City of Lynden Comprehensive Plan that supports mixed housing developments. The plan references a survey that was taken in this community that indicates 78% of the respondents thought that there should be a variety of lot sizes and housing styles within the community, 78.3% felt that there should be small scale commercial development in large residential blocks. This is your community speaking.

One of the primary goals in the introduction of the plan is that cultural diversity is a benefit to all citizens of Lynden. The plan also states that the community of Lynden will provide creative affordable housing for all income levels and the diversification of housing types in the community. The housing chapter also states that residents will need access to a variety of housing options and housing points in order to supply the diversity of housing needs. One of the goals from the chapter is to provide for a wide variety of housing types as well as low cost housing for different needs and desires in appropriate locations and to provide zoning for mixed density neighborhoods. This language comes from your adopted comprehensive plan.

There were comments from the audience tonight indicating that this request is not consistent with the comp plan. Taysi stated that it is important to note that if you read the City of Lynden's Comprehensive Plan you will see that there is an immense amount of language that is supportive of a mixed housing form residential development.

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

Scott agrees that there is a need for affordable housing, however, there are concerns with this location as the density proposed is higher than what is currently in place. One point of access also creates a problem. There are also concerns regarding groundwater, however, that is also the case in other locations in the city and it can be mitigated. The concerns regarding traffic are valid.

In favor of a CUP for the school project because the City will have more control of what happens in the future.

Faber, concurs with Scott. Going into an existing residential neighborhood and rezoning a property that has been in its current state for about 40 years is difficult. This neighborhood has been built up around it with the intention of residential zoning and now to add higher density and added traffic is a lot to introduced to the 19<sup>th</sup> Street area. That street was not planned for density that the proposal could bring. It is not fair to subject 19th Street to the increase in traffic.

Not opposed to this type of zoning in the area, however, this is the wrong time to do it. This should have been done 40 years ago if the City wanted commercial in this location. We are being reactive at this time. There is already a lot of commercial property available in the City. There is no real need to add more commercial especially in a residential zone like this.

G. Veltkamp no comments.

Templeton stated that when this Commission looks at a zoning change or a change to the Comprehensive Plan, there needs to be a compelling reason to do so. The Portland based owner wants to unload the property and develop it to its highest and best use. That is however, not a compelling reason to change the zoning. Have the circumstances changed that would warrant this change? Templeton's answer is no.

D Veltkamp, there was a question regarding whether or not this is a spot zone? The area is surrounded by residential with a few pockets of multi-family? D. Veltkamp does not feel that the proponents meet the specifications of a rezone. The drainage issues need to be looked at carefully because it is an issue in the area. The houses already built in the area do not have raised foundations and, traffic concerns.

Gudde stated that this property would not be developed with only one access. Pine Street would not be the only access into this area. WSDOT does allow points of access from state highways. The Staff Report does indicate that this property would have a shared access off of Main Street. Any new development would be looked at and required to have a traffic study to determine impacts and required improvements associated with new development

With regards to Stormwater, off-site impacts are strongly considered in the stormwater manual.

**Templeton motioned to recommend the denial of Comprehensive Plan Amendment & Rezone # 18-02, City Bible Church as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 4, 2018. Seconded by Scott and the motion passed 4-0.**

#### **E. COMMISSIONER'S CORNER**

There is a joint meeting that is occurring on September 18, 2018 between City Council and the Parks and Rec Board.

September 12<sup>th</sup> the Draft Pepin Creek Plan was made available. The City Council and Planning Commission has been given full copies for review. In addition, the document has been placed on our website for the public to review.

Next Planning Commission meeting is scheduled for September 27, 2018.

Templeton would like to commend the Planning Staff and the Chair for an excellent job done tonight.

#### **F. ADJOURNMENT**

Faber motioned to adjourn the meeting at 10:00 pm. Seconded by Scott, and the motion passed 4-0.