



PLANNING COMMISSION MINUTES

7:30 PM September 27, 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, Timmer, City Planner and Sandal, Public Works Project Manager

3. APPROVAL OF MINUTES

A. September 13, 2018 Minutes

Templeton motioned to approve the September 13, 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 #18-04, Lynden Sub-Area Boundary Revisions

D. Veltkamp opened the public hearing.

Gudde reviewed her memo dated September 21, 2018.

The City of Lynden is proposing a text and map amendment to the Comprehensive Plan which seeks to do the following actions:

- Identify the boundaries of Pepin Creek Subarea as a new subarea within the City of Lynden and reference the upcoming subarea plan.
- Insert descriptions of each of the eight subareas. The 2004 Comprehensive Plan included very detailed information on 3 of the subareas. This information was not

included in the latest 2016 Comprehensive Plan update. In future updates, additional analysis can be added to each of these subarea descriptions. Updating the sub-areas is very time consuming and in 2016 we did not have the resources to do so.

- Adjust the future land use map to show a shift in low and medium residential densities within the Pepin Creek Subarea. Currently the future land use map identifies medium housing densities along Badger Road, the northern boundary of the Pepin Creek Subarea, with low density housing elsewhere. The revision would reduce the medium density to low density in some areas along the Badger corridor and increase the density along the Benson Road corridor to draw housing density closer to the center core of the City. Final approval of the Future Land Use map will be consistent with the Pepin Creek Subarea plan which is currently under review.
- A proposed amendment to the West Lynden Subarea boundary would adjust the boundary to include a 2016 land use map amendment of the 1-acre parcel commonly known as the Former Border Patrol Station, currently home to a farm implement dealer. This use is more consistent with the West Lynden Subarea rather than the West Lynden Residential Subarea.
- Additionally, the proposal suggests a shift in the West Lynden Subarea Boundary if the pending City Bible Church Comprehensive Plan Amendment is approved by Council later this year. As the applicant of this proposal has indicated that use of the commercial parcel, if approved, would be neighborhood focused. It may be appropriate for the West Lynden subarea boundary to remain the same even if the application is approved.

The Technical Review Committee has completed their review without raising points of concern. As typical, future development in every subarea will be subject to the codes and standards of the Lynden Municipal Code. Traffic impacts and critical area impacts will be analyzed, and mitigated for, as development is proposed. The Pepin Creek Subarea plan will be heard by the Planning Commission in an upcoming hearing.

Dave Timmer, 300 4th Street, Lynden

Timmer on behalf of the City of Lynden is the applicant for the request. Timmer stated that the Commission did not look at the existing sub-areas in the last Comp Plan update. It is not required to be in the comp plan, a good idea, however, not required. The information does get out of date quickly and it takes a lot of time to update on a regular basis. As a City, it is something that we should look at in the future.

D. Veltkamp, asked the Commission if they preferred to review each of the updates and decide each individually? The Commission concurred.

1. Establishing the Pepin Creek Sub-Area and Boundary.

Speaking in Favor / Opposition: None

#1 Faber motioned to recommend approval of the Pepin Creek Sub-Area Boundary as outlined in the TRC Report dated September 21, 2018, pending final density of the Pepin Creek Sub-Area. Seconded by Scott, and the motion passed 4-0.

2. City of Lynden Sub-Area Text.

Speaking in Favor / Opposition: None

Veltkamp had the following corrections/questions:

- under the East Lynden Sub-Area, Bender Road is not in the Sub-Area,
- under the North Lynden Sub-Area, reminder to verify the approximate acreage noted, and requested to delete language in 2nd paragraph, 2nd sentence after “is” to “Benson Road”,
- under the West Lynden Sub-Area, reminder to verify approximate acreage listed,
- under the Central Sub-Area, to include the Pioneer Museum to the unique features.

#2 Faber motioned to recommend approval of the City of Lynden Sub-Area Text as outlined in the TRC Report dated September 21, 2018, with D. Veltkamp’s revisions. Seconded by Templeton, and the motion passed 4-0.

3. Shift in the sub-area boundaries/ landuse changes in West Lynden

Speaking in Favor / Opposition: None

Faber stated that the small parcel can be added as it has already been approved. As for the L shaped parcel, Faber assumes that the landuse will shift consistent with what the Council approves in December.

#3 Faber motioned to recommend approval of the Shift in the sub-area boundaries/ landuse changes in West Lynden as outlined in the map shown in TRC Report dated September 21, 2018, with the exception of the shift in boundary at the intersection of Main and Guide. That the L shaped portion be removed consistent with the Planning Commission’s recommendation of September 13, 2018. Seconded by G. Veltkamp, and the motion passed 4-0.

B. CPA & RZ #18-03, Former Lynden Middle School, 516 Main Street, Lynden

D. Veltkamp opened the public hearing.

The City of Lynden is proposing an amendment to the City's land use map and a simultaneous rezone for approximately 15.48 acres located at 516 Main Street, the location of the former Lynden Middle School. A majority of the property is owned by the Lynden School District with a small parcel, known as the Deer Street parcel is under the ownership of the City. The Deer Street parcel was the location of elevated water tanks, which have since been removed.

Repurpose of the existing facility is planned: This summer the School District finished the construction of the new middle school facility on Line Road and will no longer be using the Main Street facility for any K-12 educational functions. Instead, the District intends to utilize the building as office space, for early educational (pre-K) functions, and for hosting performing arts events as needed. Other functions, such as after school programs are under consideration but often bring with them costly construction remodeling requirements due to building and fire codes. The Comprehensive Plan Amendment proposes to move the existing facility into a commercial land use designation with a zoning classification of Commercial Services – Local (CSL). Moving the existing facility into a commercial zoning is proposed for the following reasons:

- Office use and community space is a good fit for the CSL zoning category.
- The facility is located adjacent to an active CSL property – home to the Farmers Coop offices, fueling station, and retail store. Across Main Street additional CSL zoned properties house several businesses such as Telgenoff & Oetgen CPA firm, and a small printing operation. Other potential commercial reuse of this property would fit appropriately on the Main Street corridor in this location.
- The middle school has operated under a conditional use permit as it is located on residentially zoned property. The proposed uses of the existing facility would technically be required to be a conditional use however the impacts will be significantly reduced. Additionally, lot coverage requirements associated with conditional uses would require the School District to retain and maintain more property than functionally needed while adding little value toward buffering the use as the closest adjacent residential properties are some distance away.

Additional property to be sold: Property which lies north of the existing buildings and has formerly been used as athletic fields and the water tank site is considered surplus by the School District and the City and will be sold. Prior to this sale the City of Lynden has worked with the School District on a number of actions. These are summarized below:

- **Land Swap.** The City desires to extend the recreational trail system and the subject property is a critical link between the City Park (Million Smiles Park) on Depot Road and connections south of Main Street. To facilitate the trail expansion, the City is swapping the Deer Street parcel with a newly created, linear parcel which runs parallel with Fishtrap Creek along the northern edge of the subject property.
- **Facilitating Business Operations.** The City has been in conversation with adjacent businesses which have long occupied the industrial core at the center of the City. Additional industrial property in this area could facilitate a more efficient layout of existing functions, relieve some of the traffic conflicts on Depot Road, provide additional buffer to existing uses, and potentially allow for some expansion of use.
- **Trail Connection.** The School Property does not include frontage along Depot Road and the land swap described above does not provide a complete link to the existing trail at the City Park. To complete the link, a land purchase from Vander Griend Lumber must be executed. The City has taken steps to acquire a narrow sliver of land along the Creek. The resulting purchase will include the relocation and / or demolition of some of the structures currently located on the Vander Griend Lumber property.
- **Identify Property Constraints and Ensure Critical Area Protection:** The property has a number of environmental constraints associated with its proximity to Fishtrap Creek. An attached map shows the impacts that the Shoreline Buffer, the flood plain of the Creek, and steep slopes (a critical area) have on the property. Although the property is proposed to take on an industrial land use, it is important to realize that all future development will be subject to the Shoreline Master Plan and critical areas ordinances of the City. The Creek and its constraints will provide a natural buffer between the subject property and existing residential neighborhoods to the north and provide a fantastic opportunity for habitat enhancement on this stretch of the Creek.
- **Comprehensive Plan Amendment.** The subject property has a long history dating back to the 1920's. Originally zoned as single family residential, but used as a school property, the resulting 'surplus' land is somewhat isolated by the Fishtrap Creek and the surrounding industrial and educational uses. If the property were to remain residential, it would be difficult to provide access in such a way that meets City standards without the demolition of a School District building and additional dedication of right-of-way. Additionally, it is anticipated that residential use adjacent to the existing industrial properties would create conflicts of use.

Public input has been sought with this proposal. To date, the Planning Department has received written comments from one party.

The Technical Review Committee has completed their review without raising points of concern and with support from the Parks Department. As typical, future development will be subject to the codes and standards of the Lynden Municipal Code. Traffic impacts and critical area impacts will be analyzed, and mitigated for, as development is proposed. Shoreline applications will be brought to the Planning Commission for approval as required by the Shoreline Masterplan Program.

Templeton, asked for a brief description of the LLA in progress? Gudde stated that the LLA is one of the many moving parts, it will create a division of land between the property that the school district will keep and property that will be surplus.

Scott asked if there is enough room between the lumber yard and the creek for a trail (off of Depot Road). Not at this time, however, there has been on-going discussions with the Vander Griend family about acquiring land to connect the trail at that location.

Speaking in Favor:

Jim Frey, Lynden School District Superintendent, 1201 Bradley Road, Lynden

Frey in favor of the application. There are a lot of moving parts and Frey thanked the City for working with them. This is will be a great benefit to the school district. As mentioned earlier, the facility will be used for additional district office space, family community services, early childhood classrooms / services, and the gyms will be maintained for hosting performing arts events. Again, the buildings cannot be used for K-12 use.

Instead of asking the public for money, the funds from the property surplus will be used to make improvements to the former middle school.

John Sean Withrow, 211 W Maberry Drive

Vigorously in favor of the rezone. The natural users are the adjacent businesses. Without, the property would be inversely condemned as there is no access from the street. There is a 60-foot access requirement to meet a residential street and there is no room to do so. With that said, is there any resourceful way to increase the size of the access so that other people, not only VanderGriend and Darigold could potentially use it?

Rena Rudy 413 Fishtrap Way, Lynden

Rudy supports the rezone so that the school board can get the funds it needs. Rudy questioned of the sledding hill / slope could be included in the proposed PU area? Staff stated that anything within 200 feet of the creek does fall within the Shoreline / Critical Areas and there will be constraints on development in that area. There is a good chance that the hill will not be built upon. Rudy is not the first to bring up the hill however, it was not part of the discussion for the property swap. As for the zoning could it be included? It does not divide the property specifically, so additional acquisition could happen, however, it comes at a

cost. Gudde state that the primary focus tonight is zoning and she encouraged Rudy to speak with council regarding the sledding hill.

Public amenities are allowed in any zone regardless of who acquires the property.

Speaking in Opposition:

Darrel Barnes, 1909 Twin Sister Court

Agree with the option for Vander Griend, Darigold and CHS to get more property, however, the City should sell both Senior Center and YMCA and have them relocated to the school building. The Boys and Girls club, the Scouts etc. could all benefit. Build a new swimming pool. Gym could be used for both the YMCA and various school uses. Sale of senior center would allow more available commercial space downtown. Street view of LMS could have a new façade similar to City Hall and the Library, if adopted the facility would provide a great use for the community.

Joey DeBoer 800 S Park Court

DeBoer's property is directly across the creek from the school. Fully aware of the existing buildings. Seeing this expansion of the ID area would really affect our neighborhood. At times, Darigold sounds like a jet engine, we have complained and some improvements were made but it is still loud. Expanding Darigold would not be acceptable, way too loud for our neighborhood. Would be in favor of keeping it RS zoning. Overtaking the entire area would be terrible and our back yard would be ruined.

Jody Veltkamp, 804 S Park Court

Veltkamp stated that her property value went down when Darigold put up the tower and she is concerned that her property values will go down even more. Veltkamp also noted that she has sat on her back deck with a decibel reader and noted readings in excess of 70 decibels. It is very loud and more noise would not be acceptable.

Aaron Crabtree, 806 S Park Court

Crabtree agrees with neighbors, not in favor of industrial. Concerned with the existing noise levels and the possibility for more.

Daniel Worden, 801 South Park Court

My backyard is a wonderful place however, the noise is terrible. Staff made a comment that creating new neighbors in the area would create additional calls for noise concerns and that it would be unfortunate to add more homes where people would be affected as all of you are. Worden stated that the City is basically saying, limit the impact for other people but increase for those of us who live there.

Staff stated, at this time, the property is not owned by Darigold, however, they are the obvious user. Any tower addition etc would require a CUP which would give the area residents an opportunity for their input as well as the possibility to add additional conditions that could help reduce negative impacts to the surrounding area.

Barnes asked if the City has ever contacted Darigold about noise concerns? Staff replied, yes, there have been noise concerns regarding the new tower and additions/corrections were made to help alleviate the noise. It did bring it down some.

Todd Williams, 803 South Park Court

Williams stated that he used to listen to the kids play band on the school ground property. If this property is rezoned to an industrial use, we have to think about what will / can go there, this decision needs to be carefully thought through. Williams opinion is that the incompetence of the City has produced cynicism by the community. As Veltkamp mentioned, 70 decibels is a lot. Darigold is a constant wheezy noise that never goes away.

There are great concerns with putting more industrial property in that location. Property values have definitely decreased. With regards to the map, the point where flooding occurs goes way farther than what the line shows.

Jenn Franks, 413 Main Street, Lynden

Franks stated that their house is located within a commercial zone. Franks stated that they bought their home for their son and is very concerned with the request.

Is it accurate that there will not be another public forum to express concerns once this rezone is approved? Doesn't the City have a noise ordinance? Franks stated that she is concerned with the potential for increased traffic. On a regular basis, large semi-trailers park in front of her house to change equipment and she is concerned that it will only get worse if the rezone is approved. Franks is also concerned with the fact that this will assist the City in acquiring the trail property. We need to carefully think about the exiting homeowners as well as those homeowners to come.

Gudde stated that there is a noise ordinance. There are also performance standards that all industrial users must comply with. Any future development would likely require a SEPA which triggers a notification requirement to all properties within 300-feet. In addition, any platting of the property would also trigger the request for public comments.

Gudde stated that industrial development is required to follow LMC 19.25.040 which references the DOE Washington State Code regarding noise and sound levels. Depending on the class and time of day, decibels ranges are between 55-65.

Gudde stated to be clear, Darigold has not proposed any expansion at this time.

With regards to public use and the City's interest. Acquiring the property near the creek, is not for financial gain, it is specific for public use and the creation of the trail which would be in the best interest of the community. The City would also be able to better protect the creek and the area around it.

Have any studies been done that would indicate the transportation impacts or would that be looked at under a specific proposal?

Worden commented on the former middle school building being used for administration and children's classes. How does the school district know that they will not need the additional land for expansion in the future? Has that been thought through?

Williams stated that questions regarding decibel levels are basic questions that should be able to be answered. Williams asked the Commission to vote no.

Faber asked whether the school district could be in need of the space in 4-5 years?

Frey replied, no. To be clear the space will be used for preschool classrooms. The property size would not be adequate to build another school and the existing building cannot be used for K-12 for the next 30 years. The District does not anticipate that the area would be used within the next 5-10 years for sure. Great location but tough to put a school on the property.

Crabtree stated that the fields located behind the school building are definitely being used. Just tonight he counted from his deck across the creek, 8 different teams using the fields.

Frey replied, there is more than adequate field space of the new middle school however, the grass did not take therefore, to avoid further delay, the school district made a decision to utilize the fields at the former middle school until the fields at the new school are ready to go.

Gudde once again addressed the decibel question and stated that the maximum decibel level outlined in the WAC is 65. Gudde also noted that there are definite constraints on the property regarding flooding. Engineers have worked on the project very closely. The closer you get to the creek development gets more and more difficult. Any development within 200 feet would require mitigation and approval from the Commission.

Scott asked if there is a zone that would prevent / limit the noise from increasing? Gudde stated that the IBZ zone may be a good fit if you are looking to have another check point.

D. Veltkamp, can a restriction be placed that would prohibit development below the slope? There is a bit of a conflict, how is one better than the other, by expanding the ID you will get closer to the RS development which increases the existing conflict.

Gudde stated that the City will control a parcel along the creek which will help control what happens between the two zones.

D Veltkamp understands that if the school district was interested they could sell the property to the City for as little as a dollar?

Steve Jilk, 512 Brookway Drive

Jilk stated that the School District needs to get the value out of the property and be compensated for what it is worth. If the City is interested in the property, they can pay the appraised value and then decide what to do with it.

Kirby Jones, 1015 Glenning Street

Jones stated that it seems to him that the surplus of the property in this location was part of the package that was put before the tax payers as part of the 2015 bond.

Frey clarified that the rezone portion was not part of what was promised. If it is not rezoned to industrial we will still move forward. Frey stated that the surplus requirements indicate that we cannot accept less than 90% of the value of the recent assessment which is around 500-600 thousand dollars.

G. Veltkamp stated that Barnes brought up an interesting idea. Has there been any thoughts about a senior center etc? Gudde replied, those are exciting ideas and a community facility is outright permitted in the CSL zone. As Frey mentioned earlier, part of the upgrade would be funded by the sale of the property in order to meet codes.

Jilk stated that several years ago when the first bond came forward the School District and Park and Rec District worked to come up with a concept to move the existing community center and YMCA to a location that could house a new community center, swimming pool, tennis courts etc. the work that was done on the design was volunteered by a firm in Seattle. If the school bond passed the school would give the building to the Parks of Rec to create this grand community center, however, it never happened. The idea has been approached before.

Timmer stated that we do not know at this time what is being proposed. However, we would know at this the time a development came forward and we could better mitigate/condition the proposal

D Veltkamp stated that putting more residential or ID does not make sense. Both have concerns that are valid. No one has expressed concerns regarding creating a monster if we allow Darigold to expand. What if Darigold leaves, what high industrial user could go there. We need to be responsible in that regard.

Worden stated that we need to think humanly. Worden raised 4 children, they all love the hill. The hill is an icon. Don't take it away from them.

Timmer wanted to respond to the comment about creating a monster and to remind everyone that Darigold has been here for more than 100 years and has provided a lot of jobs for the community.

D. Veltkamp stated that she is not trying to limit jobs, but we need to consider all factors involved. D. Veltkamp appreciates what Darigold has done for the community, however, her comment had more to do with how well the use has been mitigated.

Templton understands that the property has been zone residential since 1914. The school has been functioning under a CUP. Was the zoning reviewed during the Comp Plan Update in 2016? Staff replied, no as it was still a school.

There was brief discussion regarding future use / development. As noted in the TRC Report, any new development would be subject to the conditions both the Lynden Municipal Code as well as the State Code. Anyone who wants to purchase property from School District would need to do their due diligence. A 60-foot row is necessary. There are definite constraints.

Tucked away behind the school and bordered by three businesses. Templeton cannot see an access point. Gudde, correct, you would need to get an easement from one of the property owners.

There was brief discussions regarding landscape / buffer requirements between zones.

Within the IBZ is there a different decibel restriction then ID? Gudde replied, we refer to the WAC. Additional conditions could be placed on CUP's.

The Commission asked if there is a real or perceived shortage of ID zoned properties in Lynden? Staff replied, at this point in time there is more of a need for industrial vs. commercial.

D. Veltkamp asked the Commission for their thoughts.

G. Veltkamp, initial thought would lean more toward commercial (CSL) zoning vs. industrial.

Faber asked if all development within this area would require a traffic study? Staff replied that truck traffic would need to be addressed in the SEPA process. May not require a full blown study, however, it would depend on what the use is. It is difficult to determine without knowing the use. However, there is a traffic analysis component that comes with a SEPA review.

Faber also noted that in general, he does not like the fit of ID zoning. It is not a good transition. Faber prefers IBZ which would still allow Darigold to expand, with a CUP and the City would have more control.

Scott, not appropriate to be residential, however, IBZ is a good compromise. Templeton, not sure it is our job to suggest what it should be zoned. It is our job to vote on the application and if it gets turned down they need to come back. D. Veltkamp stated that the PC can make a recommendation if we have a good rationale for a different zone. Not in favor of the ID zone but also not in favor of deciding a different zone.

Templeton's thought this evening would be to deny because the industrial zone is inappropriate.

G. Veltkamp sees CSL zoning as it would be a better buffer, however, it would not help Darigold or VanderGriend.

Faber stated that the parcel is essentially land locked. The two businesses that will be vying for it have access to Depot Road. Making it difficult for them is not good either. IBZ is the better fit for the neighbors, continuing the hearing does not make sense. No need for more information.

Scott asked if IBZ zoning would help the noise issue? Staff stated that a food plant would require a CUP so the PC would have the opportunity to weigh in on the application and apply conditions to protect the neighborhood, such as sound, lower decibel allowances etc.

G. Veltkamp could accept the IBZ zone.

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

Templeton motioned to recommend the denial of Comprehensive Plan Amendment & Rezone #18-03, Former Lynden Middle School as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 20, 2018. No second and the motion fails.

Faber motioned to recommend the approval of Comprehensive Plan Amendment & Rezone #18-03, Former Lynden Middle School as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 20, 2018, and further subject to the following condition: to change the proposed zoning from ID zone to IBZ. Seconded by Scott, and the motion passed 3-1, with Templeton in opposition.

D Veltkamp asked for Templeton's rational for voting it down: Templeton stated that his rational was communicated in his previous motion.

Findings of Fact to support the Commission's recommendation:

The Commission does not want the noise levels to increase and cause greater impact to the surrounding neighborhood.

Increased traffic concerns.

IBZ curtails what could be built, and if the adjacent uses want to expand that would give the Commission an opportunity to condition the proposal if necessary.

D. Veltkamp stated that it provides a better buffer between the residential zone and industrial zone. By lowering the zoning designation, it helps reduce a number of concerns brought up by the area residents.

D. Veltkamp stated that there is strong public appeal asking to protect the area below the "hill" in order to save the sledding hill. It would be greatly appreciated.

Faber stated that he would hope that whoever purchases the property would voluntarily increase the buffer and not put buildings in the area.

E. COMMISSIONER'S CORNER

Copy of the minutes from the joint CDC/PC meeting were handed out. The outcome of the joint meeting was the need for additional review time. October 11th PC workshop will discuss zoning and the workshop on October 25th will address design standards. The Public Hearing for recommendation to City Council will be held on November 8th.

F. ADJOURNMENT

Scott motioned to adjourn the meeting at 10:17 pm. Seconded by Faber, and the motion passed 4-0.