



## PLANNING COMMISSION MINUTES

7:30 PM October 11, 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, Scott, Templeton, D. Veltkamp and G. Veltkamp  
Members Absent: None

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

### 3. APPROVAL OF MINUTES

#### A. September 27, 2018 Minutes

Faber motioned to approve the September 27, 2018, Planning Commission minutes as submitted. Seconded by G. Veltkamp, 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 HEARING

#### A. Amendment to LMC 18.04.040 Regarding Court Ordered Land Partitions

D. Veltkamp opened the public hearing.

Gudde reviewed her memo dated October 11, 2018.

The City of Lynden's land development code provides means and standards for the subdivision of property through the short plat or long plat process. These appear in Chapter 18 of the Lynden Municipal Code (LMC). There are also a number of exceptions to the subdivision code which appear in Chapter 18.04.040 and shown here:

#### ***18.04.040 - Applicability.***

*This title shall regulate all divisions of land, except as provided below:*

*A. Cemeteries and other burial plots while used for that purpose;*

*B. Divisions of land made by testamentary provision or the law of descent;*

*C. A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum zoning requirements.*

*D. Divisions of land into four or fewer lots, tracts, or parcels by the City of Lynden for public purposes such as parks, trails, open space, drainage, flood control, street, and utility purposes; provided that, a mylar depicting the division shall be recorded with the county auditor. Development on the remaining lot(s) shall comply with all applicable city ordinances. Non-residential structures constructed for public purposes shall be allowed on lots created for the City of Lynden.*

A property owner within the City has now requested that the Planning Commission and City Council consider an additional exception, that is to include the division of property as made by court order. Situations like these are relatively rare, most frequently occurring when land is willed to a number of individuals, who, for various reasons, cannot agree on a division of the property. Some cities provide for this type of exception. If division were made in this way the resulting division could not create more than 4 lots, and each would be required to meet all other subdivision standards.

Faber asked why was 4 lots decided upon? Staff replied, it was suggested by legal counsel which follows the short plat process.

Speaking in Favor. None.

Speaking in Opposition. None.

**Faber motioned to close the public portion of the hearing. Seconded by Templeton, and the motion passed 5-0.**

**Faber motioned to recommend the approval of the proposed amendment to LMC 18.04.040 regarding Court Ordered Land Partitions as outlined in the Planning Department Memo dated October 11, 2018. Seconded by Kok, and the motion passed 5-0.**

## **B. Workshop and Public Forum – Pepin Creek Zoning**

D. Veltkamp entered into the record a letter dated October 11, 2018, from Jayson Van Mersbergen regarding the Pepin Creek Subarea zoning adjacent to his property on Benson Road.

Gudde reviewed her memo dated October 5, 2018 and gave an introduction of the Subarea Plan.

The Pepin Creek Sub-Area Masterplan represents a significant planning effort. Project elements include identifying and defining the City’s growth priorities, identifying housing density and character goals, and analyzing and assessing the financial responsibilities of development to contribute to the Creek re-alignment project that is at the core of the sub-area.

Council guidance indicates that the sub-area should accommodate 1700-2000 units (over 20 years of growth). The area, in theory, can accommodate more, but these are the preference ranges that were studied by the planning team.

The arrangement of these units can be accomplished in a variety of ways. Public feedback on neighborhood design indicated a preference for:

- avoiding large scale buildings,
- providing for senior housing and encouraging “age in place” design,
- the segregation of housing types (rather than mixing them together),
- wide streets and adequate residential parking,
- safe neighborhoods for children to walk to school and play outside.

With these goals in mind the planning team created the zoning map for Pepin Creek. The map is arranged so higher density housing types will occur adjacent to open space (Pepin Creek corridor or the City owned Heusinkveld property), have access to transportation routes, and will provide higher development potential to property owners most affected by the Pepin Creek re-alignment project. The map also considered the location and type of existing development and provides a variety of housing types within the moratorium area (85 acres of the 460-acre subarea).

Zoning regulations including primary, accessory and secondary uses, were written to resemble, as closely as possible, the City’s existing regulations. The categories are summarized briefly below.

### **Pepin Creek Zoning Categories and Overlays**

**RM-PC (Residential Multi-Family Pepin Creek):** This multi-family zoning category resembles the existing RM-2 zoning as it permits up to 4 units per building and a limited number of buildings at 8 units per building. It differs from RM-2 in that it allows for smaller lots, smaller

setbacks, and encourages fee simple attached single-family housing. The most familiar form of this housing type is the row house or townhome. Other creative housing arrangements could be accommodated in this zoning including clusters of cottages or shared garage layouts. The permitted density of the RM-PC is higher than the RM-2 zoning. The goal of this housing type is to create attached product that promote home ownership at more affordable rates than detached single family homes. Unlike existing zoning categories in the City, a minimum density is required. The required density range of RM-PC is 8 – 12 units per acre.

**RMD:** Based on feedback from the Planning Commission the RS-50 zone has been eliminated and replaced with the Residential Mixed Density (RMD) zone. The RMD zoning category currently exists within the City. The proposed revision would be effective City-wide. The proposed changes to RMD require a mix of larger lots (40% of the net parcel area must be lots 7200 sf or larger) while the balance of the property is permitted to utilize smaller lots. Smallest permitted lot size is 6,000 sf for a detached single-family home or 4,000 sf per unit for an attached single family home or a duplex. No more than 2 units can be attached to each other – as attached single family units each on their own lot with a shared wall (fee simple) or on a single lot as a duplex. Lots adjacent to existing single family must be at least 80% of the size of adjacent lots.

**RS-72:** The Pepin Creek Subarea will utilize the existing zoning category of RS-72 development here, however, will be subject to the design standards approved as part of the Pepin Creek Masterplan.

**Senior Overlay:** This zoning overlay allows a developer to activate additional density if specific criteria are met. In this case, the criteria relates to providing housing for seniors. This may take the form of an age restricted neighborhood, assisted living, or full-time care facilities. The underlying zoning category dictates if this criterion is not met.

**Commercial Overlay:** This zoning overlay encourages small neighborhood commercial establishments to be developed at high visibility intersections. The uses permitted here are intended to serve the adjacent neighborhoods. Commercial establishments in these areas are subject to the Pepin Creek design standards. The underlying zoning category dictates if the commercial overlay is not utilized.

D. Veltkamp asked for any questions or comments from the audience.

Dr. Meester, 8710 Double Ditch, Lynden

Own 10 acres on Double Ditch and love the environment. Meester understands that progress cannot be stopped. For the last 30 years they have been hearing about Pepin Creek. In the plan tonight, Meester's property is listed as RMD. What if he wants to development his land into large one acre lots? Staff stated that minimum density is between 4 and 8 units per acre and he would not be able to develop 1-acre parcels. The largest lot

under RMD zoning would be ¼ acre (10,890 sf) per lot. The minimum density portion of the plan is a new concept. The GMA pressures City's to provide more density to accommodate growth. Meester does not want to see land owners limited to a minimum lot size and requests for that requirement to be omitted.

Gary Vis, 518 Front Street, Lynden

Vis stated that the City is overwhelmed with commercially zoned space and does not need more within the overlay. These types of commercial developments are unsupported. Vis wants commercial limited in order to support the downtown and other existing commercial developments. Online shopping has changed the commercial nature and commercial in this location is not necessary.

Vis indicated his concerns about the lot sizes and pocket parks. When pocket parks are created someone is going to have to take care of it. The Parks Department is not going to want to take on additional work. It makes sense to move the square footage required for a pocket park into someone's back yard that way the homeowner will take care of it and their children / family have a space to play.

Overall Vis is not opposed to affordable housing or small lots.

Templeton asked Vis about his first comment re: commercial overlay. There is very little land set aside in the commercial overlay within Pepin Creek. Templeton missed Vis's point? Vis stated, for businesses to be sustainable, more people need to visit/shop which in turn will create more traffic.

Commercial is not required as it is an overlay. If no commercial, the underlying zone would apply.

Daniel Meester, 8455 Double Ditch, Lynden

The new RMD zoning assigned to the Pepin Creek Sub-Area seems to be a large piece of land that allows for a huge catch all with narrow streets? D. Meester would prefer to see more variety. The City is losing the traditional look of Lynden.

Alice Rodan-Hooksma 1607 C Street, Lynden

Growth and affordable / alternative housing is necessary. Young families are realizing that they will not be able to purchase a large home like they grew up in. They will have to live more simpler.

There were general comments/concerns regarding narrow streets and parking.

No further comments from the public.

Discussion regarding the new proposed RMD zoning. Staff noted that tri-plex construction has been removed from the RMD zone. Setbacks will now be measured from foundation to property line. It is important to note that the RMD text is not specific to only Pepin Creek and that revisions will apply in other areas of the City with RMD zoning.

Commissioners discussed concerns with rear setback being only 3-feet to the alley. The Commission agreed that 3-feet is too close, gives no warning, zero visibility, and is a safety hazard. The Commission prefers that garages positioned on an alley must be setback as noted under 19.16.060 (rear) is as follows:

21' to allow for driveway parking and visibility backing into an alley  
3' feet to sides of garages  
5' feet to the property line (in such case a property line falls within an alley)

Transition zones? Should there be a transition zone between all zones? At this point, the transition zone has been drafted for the south border of the sub-area.

Briefly discussed 19.16.070 (A) regarding additional fire protection if the eave is only 3-feet from property line? G. Veltkamp said he is fine with the language.

The Commission questioned whether or not nursing homes and/or assisted living facilities should be located within the RMD zone as noted in 19.18.050? Staff will look closer at that.

Discussion regarding minimum densities. Faber would like to see the minimum density requirement removed in all zones within the Pepin Creek PRD. Staff replied, minimum densities in this area will allow the City to re-coop the cost of the channel project and to meet growth requirements.

There was also discussion regarding basing the cost for the channel project on square footage instead of density. Staff stated, additional funding studies will be completed to determine the best option. If we take away the minimum densities, there is a possibility that land owners could develop large parcels as Mr. Meester stated which would skew the estimated cost per parcel to help pay for the channel project.

Not a lot of people will build on one acre lots. 90-95% of the people will not be able to afford the fees on a one-acre lot. If we take away the minimum densities, then we have to figure out a way to balance the cost.

**D. COMMISSIONER'S CORNER**

The next Planning Commission meeting is scheduled for October 25<sup>th</sup> at that meeting the Pepin Creek Design Standards will be discussed.

**E. ADJOURNMENT**

Faber motioned to adjourn the meeting at 9:45 pm. Seconded by Kok, and the motion passed 5-0.