



PLANNING COMMISSION MEETING MINUTES

7:30 PM December 6, 2018
City Hall Annex

1. CALL TO ORDER

2. ROLL CALL

Present: Gerald Veltkamp, Blair Scott, Diane Veltkamp, Lynn Templeton and Tim Faber.

Absent with notice: Brett Kok with notice.

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

3. APPROVAL OF MINUTES

A. November 8, 2018

Minutes approved. Scott / G. Veltkamp

4. DECLARATION OF CONFLICT

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

5. PUBLIC HEARING

A. Conditional Use Permit #18-01, Engels, 400 E Front Street.

D. Veltkamp opened the public hearing.

Gudde gave an overview of the proposal.

The applicant is requesting a conditional use permit to allow short term rentals at their home located within the RS-72 zone.

The City of Lynden's zoning code provides residents the opportunity to use their homes as Bed and Breakfast establishments (short term vacation rentals). Prior to operation, the establishment must be granted a Conditional Use Permit per LMC 19.49 as this use may have impact on the surrounding properties.

It should be noted that the home intended for the Conditional Use has recently been constructed and has been issued final occupancy. Some exhibits provided by the applicant note the home as “proposed” and one exhibit marks the lot simply with a yellow “x”. To clarify, the applicant is not proposing to make additional physical changes to the home or the parking areas in order to accommodate the short-term rental.

Gudde stated that parking for the rental will be located in the rear of the house. Vehicle access to the site will be from the Hampton Road. There is a pedestrian access along the east side of the property from E Front Street.

The applicant did notify all property owners within 300-feet of the proposal. No written comments were received from the neighborhood.

The homeowners will reside on site with the rental located in the basement. Gudde thanked the applicants for coming to the City, asking the rules and going through the process.

Speaking in favor

Mary Engels, Owner, 400 E Front Street

Engels stated that she has talked with her neighbors and has been told that they have no problems with the request. Engels stated that they do not intend to put up any signs.

The rental unit includes a living area, kitchenette, two bedrooms and a bathroom.

The Commission asked if there was a limit on the number of renters they would allow at one time? Engels indicated that they would like to limit it to a maximum of 4 people and that no pets would be allowed. Engels stated that there is a possibility that there could be two cars parked associated with the rental, however, there is enough parking to accommodate two additional cars.

Engels stated that she is not sure how often the unit will be rented out. Research says mostly on weekends and during fair week and other events?

Gudde asked about parking for an RV? Engels replied, no, we do not have the room for an RV and would not allow that.

D Veltkamp asked if Engels was proposing any rules regarding maximum stay? Engels replied, no. Gudde stated that City code limits short term stay / transient accommodations to 14-days. Engels is fine with that.

Faber confirmed that the rental unit is located on the lower/basement floor only. Engels replied, yes.

Lynn asked if there are other Air BNB’s in Lynden? Yes, however, this is the first one to

seek permission / approval. Gudde explained that this is new for Lynden, other Cities are working on establishing code. Most prefer that the homeowners live on site as it will help regulate concerns that may arise.

D Veltkamp asked if the CUP would be reviewed on a yearly basis? Gudde replied, yes.

Catherine Bereal, 411 East Front Street.

Bereal lives across the street from the Engels. Bereal is in favor of the request. The concept is new to the City, however this is something that should be welcomed. Likes the one-year review process. There will be no issue with traffic. Bereal thanked the Engels for going through the process to create this legally.

Faber motioned to close the public portion of the hearing. Seconded by Scott, 4-0

The Commission reviewed the criteria required for approval and found no concern or conflict.

Faber motioned to recommend approval of Conditional Use Permit #18-01, Mary Engels as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated November 19, 2018, and further subject to the following conditions:

- 1. That the use regarding short term rentals be limited to two weeks or less. Seconded by Scott, and the motion passed 4-0.**

6. WORKSHOP - PEPIN CREEK ZONING- CONTINUED

D. Veltkamp stated that this workshop will continue discussion on the Pepin Creek Zoning, specifically the Senior Housing 19.18.040. The Commission will also look at the "Other Related Code Sections".

November 20, 2018 Community Development Committee Minutes are included in the PC packet.

Gudde stated that the senior overlay is a new section of code. Zoning overlays are floating standards that float over a zone. If you do not activate the overlay then the underlying zone applies.

Senior overly is specifically for 55 years and older. Some examples in the community are: Bryce Park, Meadow Green and the Christian Health Care Center. Three different tiers of 55+ and care facilities.

D. Veltkamp, when we talk about the senior overlay we are talking about senior housing only in the RM-PC portion of Pepin Creek Sub-Area not for the City as a whole, correct? Gudde, replied, yes.

Gudde briefly explained how an overlay works. If you had 10 acres that was located within the RM-PC/Senior Housing Overlay, 5 acres could be activated under the senior overlay while the other 5 acres could be developed under the RM-PC. The Overlay just gives you an additional option for an alternate type of development. If you chose not to activate the overlay, then development would need to follow the RM-PC regulations.

Pepin Creek Senior Overlay and Uses Established

19.18.040 (A), brief discussion regarding whether or not there should be a maximum unit count allowed per building within the Senior Overlay? The Commission decided that they were okay with the with standards as written.

D. Veltkamp would like to encourage the opportunity to develop outdoor court yard space within the overlay that provides a safe area for the residents and a place for the residents to congregate. Staff stated that there are significant open space requirements in the zone.

D. Veltkamp stated that whenever there are large buildings she feels that there needs to be larger setbacks.

Primary Uses

19.18.040 (B)(1)(a)(b) can be removed. Development will be limited by the number of units permitted in the code.

Permitted Uses

19.18.040 (C)(7), discussion regarding the maximum number of vehicles stored / allowed on one site within the senior overlay should be reduced from five to three.

Secondary Permitted Uses

19.18.040 (D)(6), should be changed from “family day care centers” to “adult day care centers”.

Senior Overlay Development Standards

No changes. Brief discussion regarding average grade / final grade. Gudde stated that this area will be seriously looked at with regards to elevations / grade etc.

Pepin Creek Channel Relocation Project:

Public Works received FHA funds when the Benson culvert failed. This funding was used to purchase corridor property and build the Interceptor ditch that drains to main street. This is the short-term solution to eliminating flooding in the area until the full Pepin relocation occurs.

Senior Overlay Open Space Requirements

Add “courtyard” to (I)(2).

Pepin Creek Commercial Overlay and Uses Established

Geared toward neighborhood uses. Should we spell out that drive thru's are permitted for coffee shops and banks and maybe pharmacies? Language can be changed to state single lane drive thru's oriented away from the street. PC Agreed.

Other Related Code Sections

This section cleans up references across the code.

Question regarding whether lots with fifty feet of frontage or less should be allowed. Staff replied, that the intent is to allow for creativity and design like cluster housing etc.

Discussion on creative landscaping ideas to help avoid blacktop all the way to the foundation. Having foundation plantings will be a good thing. G. Veltkamp would like encouragement language wherever possible to help avoid a sea of blacktop when visible from the street frontage.

Templeton asked if there are general standards for street lights? Street lights are important in the Senior overlay.

7. COMMISSIONERS CORNER

Templeton asked about the farm that is "falling" into the river just northwest of the Hannegan Bridge? PC stated that it has been there for several years and it is located within the County. The City does not have authority.

The Comprehensive Plan Amendments / Rezone that the PC worked on this fall were brought forward to the Council meeting on Monday, December 3rd.

City Bible Church pulled their application. There are plans to resubmit a Rezone application in the near future.

Former Lynden Middle School was also reviewed and approved by Council with a change to the recommend zoning of IBZ to ID. The Council felt that the property is isolated enough and has built in buffering with the creek/buffer. Council expressed support for the ID zoning and felt that it was a better fit.

Lynden Door was approved as submitted.

D. Veltkamp stated that she is surprised and disappointed on the Councils decision regarding the CPA for the Former Middle School.

8. ADJOURNMENT

Templeton / G.Veltkamp at 9:55 pm.