1. CALL TO ORDER

2. ROLL CALL
Present: Tim Faber, Diane Veltkamp, Gerald Veltkamp, Bryan Korthuis, Lynn Templeton.
Absent with notice: Blair Scott and Nikki Turner
Staff Present: Gudde, Planning Director and Samec, City Planner.

3. APPROVAL OF MINUTES
   A. January 9, 2020
Templeton motioned to approve the January 9, 2020, Planning Commission Minutes as submitted. Seconded by Faber and the motion passed 4-0.

4. DECLARATION OF CONFLICT
None of the Commissioners reported any ex-parte contact or conflict of interest.

5. PUBLIC HEARING
   A. LP #19-02, DeJong Long Plat, 1205 E Badger Road, Lynden
Veltkamp opened the public hearing.


The zoning on this property is multi-family residential (RM-3) which allows for a maximum density of 16 units per acre. As a result, the maximum permitted density, on this property is 151 units. The DeJong Long Plat does not propose specific housing types but divides the property into 23 lots. As a result, based on the minimum lot size requirements, the future maximum capacity of the plat is capped at 102 multi-family units.

**Plat Design and Phasing:** The plat is designed with two vehicular access points off of Aaron Drive. Access points on the north side of the plat, to Badger Road, are discouraged by WSDOT as this is state highway. The proposed street has been designed to meet City standards and the two access points are spaced to straddle the opposing entrance of Bryce Park on the south side of Aaron Drive. Entrance points are spaced to conform to minimum City standards.
The development of the plat is proposed in two phases. Phase 1 includes the western half of the plat, Lots 1-11. The Phase 1 street layout will include a paved hammer-head to accommodate fire truck turn-around. Phase 1 will also include frontage improvements to Aaron Drive including curb, gutter, and sidewalk for the full length of the plat. Phase 2 will include lots 12-23 and the completion of the internal street loop.

**Pedestrian Accommodations:** Sidewalks will be included along the proposed street and Aaron Drive frontages. The plat also includes an extension of the Badger Trail that has been developing along the state’s right-of-way and an internal connection to the trail. Although the portion of trail included in this plat will be temporarily disconnected, Planning staff has already begun the planning process which will create a connection to other portions of the trail using the State’s right-of-way if needed.

**Existing Uses:** The plat has two existing uses that will remain until future redevelopment occurs. One use is the legal non-conforming use of the warehouse that is shown on lot 9. Currently the Veritas Company is utilizing this structure. Code allows legal non-conforming uses to continue but not expand. In addition, a single-family home is located on lot 18 with accessory structures located on lot 19. The home is a permitted use. The accessory structure on lot 19 can remain if lots 18 and 19 are bound under one ownership.

**Criteria for Approval:** The criteria for approval of a long plat is found in LMC 18.16.020 which references the requirements laid out in LMC 18.06 and 18.14. Staff has reviewed each of these criteria and addressed them in the Technical Review Committee report. The applicant has provided responses to each of staff comments and this has been included in the packet.

**Staff Concerns and Recommendations:** Review by the Technical Review Committee has found that the plat is consistent with the criteria described in LMC 18.16.020 and approval is recommended. However, given the design of the plat, the zoning, and the propensity for local builders to construct side by side (townhome) type multi-family units with garages, staff is concerned that the housing types could be repetitive, and streetscape prominently feature garage doors. It should be acknowledged that some design standards are in place which mitigate these concerns. These are found in LMC 19.22 and include:

- Garages may not extend more than 12 feet forward of 1st floor living area.
- Foundation landscape planting is required.
- Street-facing building elevations cannot include more than 60% linear feet of garage door.
- Buildings of the same design must be separated by at least two other lots.
- All multi-family units are required to seek the approval of the Design Review Board.

In addition to these existing standards and requirements, staff recommends that plat conditions specifically address the lots which front Aaron Drive so this highly visible street is properly addressed. Staff suggests the following conditions to plat approval:

**Plat Condition 1:** Vehicular access points (driveways), street-facing garages, and 2nd story balconies (except Juliet balconies) be prohibited along the Aaron Drive frontage; and
Plat Condition 2: Buildings along the Aaron Drive frontage (lots 1, 11, 12, and 23) be required to be oriented so that front doors rather than rear yards are facing Aaron Drive.

Plat Condition 3: Consistent with the SEPA determination, a 15-foot-wide trail easement is dedicated on the plat. A 10-foot compacted gravel trail is constructed within the easement prior to final plat approval of Phase 2.

Design Considerations: It is also worth noting that within the development, shared driveways are encouraged and should be reviewed by the Design Review Board so that garage doors / auto courts are between buildings rather than along street frontages.

Templeton, asked if the DeJong’s own the dirt and if Jerry Blankers is the developer? Gudde replied, yes, the DeJong’s own the property and Jerry Blankers has been working as their agent. Will the DeJong’s maintain ownership? Gudde stated that she does not no the arrangements regarding sale, however, the DeJong’s are the property owners for this application.

Speaking in Favor:

Llanos stated that he is the Engineer for the project and also the agent for the property owners. Proponents agree with the Staff Report, however, would like to discuss the Trail along Badger Road, easement is okay, just concerned with installing a trail that goes from nowhere to nowhere? The proponents would rather pay for the entire trail to go in when it is time

Llanos also has concerns regarding the required water extension to the west. The applicant has no issue with extending water to the north and east, however, there is no reason to connect to the west? Is will not serve any purpose.

D. Veltkamp, questions re: hammerhead? It is shown as an easement? How is it shaped?
Ramon, you head north and then east. It is a typical design that allows vehicles to backup. It is only temporary until the road is completed. The Fire Department is okay with the design.

Faber stated that there is a water line that runs along lots 5 and 6. Should there be an easement over top? Llanos, yes you are correct. We will make the change.

Faber also asked about the 50-foot frontage requirement and stated that lot 5 does not appear to meet that requirement. Llanos stated that you are allowed to have a pipe stem. Staff agreed that it meets the definition of a pipe stem.

Korthuis asked why the City is sticking to their guns on the water extension? Gudde replied, that code requires that the waterline be extended. The applicant can request through the public works department that this requirement be removed. This issue can be dealt with when civil plans are being reviewed.

Discussion about front and back yards facing Aaron Drive. D. Veltkamp agrees with Gudde’s Plat Condition #2. The Commission does not want to see parking along Aaron Drive. Having front doors that face Aaron Drive will encourage that.
Veltkamp asked if shared driveways need to be owned by one owner? Llanos replied, no, you can have separate ownership.

Brief discussion regarding house addresses and phasing.

Faber asked about the existing non-conforming commercial use. Faber saw no language regarding a requirement for having a landscape buffer between the uses. There is no requirement as the zoning is the same. The non-conforming use will eventually go away and additional housing will be built.

With that said, there is already and existing 10-foot landscape buffer between DeJong’s property and the commercial property to the east.

D. Veltkamp addressed the installation of the trail. It will cost a lot more for the City to install a trail than have a developer do so. It is best to get it done now so that we are dealing with one property owner now vs. several once the lots are sold.

D. Veltkamp brought up the applicant’s preference to hold off on constructing the trail along E Badger Road. The applicant has asked for a harmless clause to be added to the plat. Gudde stated that the City’s public access easement would be covered by the City's policy for each incident up to 2 million dollars. To have an applicant that provides funds that the City later uses is a relatively inefficient way for the City to use those funds. It is more expensive for the city to construct the trail than it is for a private developer. If we lose the opportunity to get this amenity, it can make it difficult in the future as we would now be dealing with multiple property owners instead only one. D. Veltkamp agrees.

The SEPA notes that the trail can be constructed prior to final plat approval of Phase 2. Phase 2 is at least 2 years away. Is there a timeline on when the City hopes to have the trail constructed? No, not at this time.

Cassie Simonsen, 1410 Foxtail, Lynden
Who will be responsible for maintaining the trail? Gudde stated that it is treated like a sidewalk, the property owner adjacent to their section will be responsible for maintaining that portion.

Faber addressed the traffic study and stated that he assumes it is sufficient? Gudde replied yes, Public Works reviewed the report and found no concerns. Gudde referenced the mitigation / recommendations of the traffic engineer.

1. Construct site in accordance with applicable City requirements.

2. No street parking should be allowed on Aaron Drive within 30-feet of the site access intersection.

3. Install a stop sign on each site access street approach to Aaron Drive per applicable requirements.
4. Pay applicable City Traffic Impact Fee; adjusted to reflect the ITE Trip Generation 10th Edition data.

D. Veltkamp asked about what lots could have paired housing? Llanos replied that almost all of them could be paired and have shared driveways. Shared/paired style home is more efficient. There is less impervious surfaces and more green space.

Eldon DeJong, 1241 E Badger Road.
DeJong stated that they do not want to promote parking along Aaron Drive (similar to Bryce Park). That was one of the mains things we thought about early on. DeJong concurs with not having a balcony on the second floor for lots along Aaron Drive, however, allowing front doors to face Aaron would then promote the parking along Aaron, and that is something we do not want.

Templeton asked where the fire hydrants are located? Llanos replied, that the Fire Department asked for 2 hydrants and we are providing 3. They are located between Lots 9 and 10, Lots 13 and 14 and Lots 9 and 15.

D. Veltkamp asked about landscaping so that the development is not a concrete jungle. Llanos replied that there will be landscaping, however, it will be handled through the Design Review. The required setbacks do allow for quite a bit of green space. In addition, the maximum building lot coverage in this zone is 40%.

Faber motioned to close the public hearing. Seconded by G. Veltkamp and the motion passed, 4-0.

Planning Commission Discussion:

Faber asked if we were to remove Gudde’s condition # 2, would Staff be okay with that? Gudde replied, yes.

Balconies should be allowed on houses along Aaron Drive, however, must be properly screened. G. Veltkamp stated, if it is designed well there should not be an issue.

D. Veltkamp would like to see vegetative screening on lots along Aaron Drive to provide additional privacy similar to Bryce Park.

Korthuis does not necessarily agree. If people want to be social and not screen their property that is their choice.

There was brief discussion regarding the property owners next to the existing non-conforming use. The Commission agreed to allow each property owner to decide on their own how and if they want to screen.

Faber motioned to recommend approval of DeJong Long Plat #19-02, as presented according to the findings, conditions and recommendations of the Technical Review Committee Report dated January 2, 2020, and further subject to the following conditions:
• The plat to include a 30-foot wide utility easement over the proposed public water and sewer extensions shown on Lot 6.

• Additional vehicular access and street facing garages be prohibited on Aaron Drive frontages.

• Planning Commission did not support the staff suggested plat condition that “Buildings along the Aaron Drive frontage (lots 1, 11, 12, and 23) be required to be oriented so that front doors rather than rear yards are facing Aaron Drive” as front doors located along the Aaron Drive frontage would promote on-street parking.

• Second story balconies along the Aaron Drive frontage (lots 1, 11, 12 and 23) must be appropriately screened from the street right-of-way.

Seconded by Korthuis, and the motion passed 4-0.

The Commission noted the following Findings of Fact to support their decision:

1. The application complies with Chapter 18.06 of this Title, General Requirements for Subdivision Approval.

2. The application complies with lot and plat design standards as required under Chapter 18.14 of this Title, unless specifically varied through the Development Standards Variance process outlined in LMC Chapter 17.17.

3. The application complies with the development standards and requirements listed under this title and the Project Manual for Engineering Design and Development Standards, unless specifically varied through the Development Standards Variance process outlined in LMC Chapter 17.17.

4. The application complies with all other applicable provisions of the Lynden Municipal Code, including LMC Chapter 17.15 regarding adequate public facilities and LMC Chapter 13.24 regarding stormwater management.

5. Appropriate provisions are made for, but not limited to; the public health, safety and general welfare, for open spaces and drainage ways, for roads, streets, alleys and transit stops, for potable water supply, sanitary sewer, stormwater management, parks and recreation, and shall consider all other relevant facts including sidewalks and other pedestrian corridors, and amenities that improve the quality of the neighborhood;

6. That the subdivision and dedication will serve the public interest.

6. **ELECTION OF CHAIR**

All ballots were counted, and the positions remain the same as the previous year. Diane Veltkamp is Chair and Tim Faber is Vice Chair for 2020.
7. COMMISSIONERS CORNER

The next Planning Commission is scheduled for February 27, 2020. The February 13, 2020 meeting has been cancelled.

Gudde gave a brief update regarding upcoming hearings that will come before the Commission in the spring.

Templeton wanted to give kudos to the Public Works Crew regarding the recent snow storm and how they prepared and took care of the City Streets. They did a great job!

8. ADJOURNMENT

Motion to adjourn by Faber / Second by Templeton. Meeting adjourned at 8:50 pm.