

Planning Commission Meeting

433 Cherry Street
Monday, August 07, 2023 at 5:30 PM

Agenda

Open Meeting

1. Approve/Correct Minutes

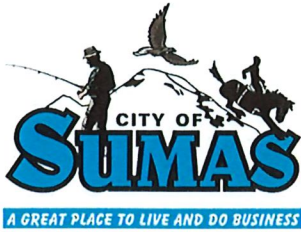
A. June 20, 2023 Draft Minutes

2. Public Hearing

B. Change of Zoning or Classification Application, Brad Heppner

3. New Business

4. Adjournment



Planning Commission Meeting

433 Cherry Street, Sumas
Tuesday, June 20, 2023, at 5:30 PM

Minutes

Present

Josh Clawson, Ex Officio
Bruce Bosch, Mayor

Commissioners

Teresa Josephson
Lizette Custer
John Van Wingerden
Jacob Williams

City Staff

Carson Cortez, City Planner
Rollin Harper, City Planner
Sunny Aulakh, Public Works Director
Michelle Quinn, City Clerk

Lizette Custer made a motion to approve June 01, 2023, Minutes, John Van Wingerden seconded all were in favor the motion carried.

David Grainger, Sumas Development LLC, and Dale Buys of Reichhardt and Ebe Engineering presented to the planning commission the final report of decision approved in 2021 for a general binding site plan application. There are twenty-four conditions of approval. Mr. Grainger would like the planning commission to review for reconsideration conditions four, five, eleven, thirteen and twenty-four.

Dale Buys started with condition number four; the approval was about the heavy haul road which shall have paved shoulders four feet wide on both sides allowing for truck parking. Mr. Grainger would like to propose two-foot-wide shoulders crushed with gravel and allowing no truck parking. Each business would have to provide truck parking on each individual property and not on the side of the road.

Condition number five was about the water line to the west. It is to connect to an existing water main found on Barbo Road. Mr. Grainger is proposing to end the water line at the end of the cul-de-sac. This will minimize the cost and require each lot that is developed to put in the waterline on their property.

Condition number eleven was to have an internal pedestrian walkway, which was the four-foot-wide paved shoulder on the south side of the heavy haul road. Mr. Grainger is proposing to eliminate the four-foot-wide paved shoulder and instead replace it with a two-foot gravel shoulder with no truck parking. Mr. Grainger is not in favor of allowing pedestrian access in an active work zone will present a safety hazard.

Conditional use number thirteen is to construct a pedestrian walking system supplying safe access to the site from the downtown area. Mr. Grainger does not want to encourage pedestrians in a work zone, but he will take part in a discussion about the pedestrian network between downtown and the industrial district.

Condition number twenty-four is about the secondary access road for emergency vehicles. It is to be kept to the satisfaction of the public works director and the Whatcom County Fire District 14. Mr. Grainger states there is an existing secondary access that runs parallel to the BNSF tracks. Jacob William wanted to make sure the secondary road was going to be improved because, at this time, maintenance will need to be done before allowing emergency vehicles to get through safely. Jacob would like to encourage sidewalks allowing for the residents to walk to work.

Rollin Harper, City Planner would like to suggest the two-foot gravel shoulder to be a paved shoulder for support of the road edge. Mr. Grainger states he would be paving 12-foot travel lanes with a two-foot gravel shoulder. Teresa Josephson, Lizette Custer, and John Van Wingerden would like to see sidewalks for the people to walk in the area.

Josh Clawson asked the planning commissioners to discuss their thoughts on the proposed amendments from Mr. Grainger.

On condition number four they recommend there be a four-foot paved shoulder with no truck parking allowed.

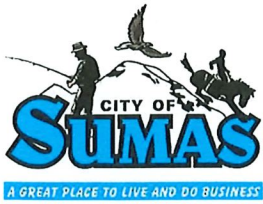
On condition eleven the four-foot supported paved shoulders would be sufficient for the walkways.

On condition number five, the water line extension, the planning commissioners will leave the decision to the city council and the public works director.

On condition thirteen they would like to see pedestrian access from downtown, Rollin Harper, City Planner states making one business responsible for the walkway would be a hardship. This would be a project to take part in the future with other businesses, the commission understands this would be a future project.

On condition twenty-four, John would like to see the secondary access road maintained. Mr. Grainger agrees to maintain the road allowing for emergency vehicles to access the property to the satisfaction of the public works director and fire department.

Teresa Josephson made a motion to adjourn the meeting, Lizette Custer seconded; all were in favor the motion carried.



CITY OF SUMAS
Public Works Department

CITY OF SUMAS

RECEIVED CITY OF SUMAS

APR 18 2023

APR 18 2023

Item B.

PAID

Change of Zoning or Classification Application

The following information or material is required with all general binding site plan applications. If any of this information is missing or incomplete, processing of the application will not begin.

- Complete application form
- Filing fee of **\$500** -Includes eight hours of staff time; additional billed actual
- Completed SEPA checklist (non-refundable fee of **\$250** may apply for Review/ Determination)

**Fee Schedule established in Section 3.030.010 SMC

- A map showing the proposed change(s) in zone district boundaries and/or classifications, in relation to existing tax parcel boundaries as recorded at the office of the Whatcom County Assessor. If the map is larger than 11" x 17", submit 3 copies.
- Self-adhesive address labels preaddressed to the latest recorded real property owners within three hundred feet (300') of the property affected by the application, as shown by the records of the Whatcom County Assessor

Applicant(s) Name(s): Brad Heppner

Single entity and address to which the City will mail all notices and determinations:

971 Adrian Drive. Lynden. WA 98264

Phone: 360-319-1916 Fax: _____

Address of Affected Property: 400403-572521-0000

Assessor's tax parcel number for affected property: 40004035725210000

Legal Description of affected property (attach separate page if necessary):

See attached deed for legal description

Current use of property: Commercial- Vacant Land

Current zone district classification of property: Commercial- Vacant Land

Requested zone district classification of property: Mini warehouse

Is the requested zoning consistent with the zone districts established in the map of proposed future zoning (MAP 7) in the City of Sumas Comprehensive Plan? Yes No

If you answer "no" to the question above, then your application will involve an amendment tot the comprehensive plan as well as a change in zone district classification. The City is prohibited by law from

considering amendments to the comprehensive plan more frequently than once per year (RCW 36.70A.130(2)). Your request must therefore be docketed for consideration with all other pending requests. In support of your request, provide the following information on a separate sheet:

1. Describe how the requested zoning will nevertheless be harmonious and consistent with the City of Sumas Comprehensive Plan. Make reference to specific goals, policies, and objectives established within the plan.
2. Describe how the requested zoning will be compatible with surrounding uses.
3. Describe any errors of fact or reasoning that pertain to the zoning established for the affected property within the existing comprehensive plan.
4. Describe any changed circumstances that pertain to the property that justify a change in zoning.

DECLARATION:

I (we) the undersigned hereby declare under penalty of perjury that:

- a. The property affected by this application is exclusively owned by the applicant(s) or has been submitted with the consent of all owners of the affected property;
- b. The project permit application materials contain no known misrepresentation of fact or proposed action or design that, if completed would result in a structure, improvement, lot or condition in violation of the Sumas Municipal Code; and

Signature of Applicant(s): _____
Bob Ha

Date of Submittal: _____
4/15/23

=====

FOR OFFICE USE ONLY BELOW THIS LINE

Date of Notice of Completion to Applicant (mailed): _____

Date of Notice of Application to the Public (mailed, published): _____

Date of Close of Comment Period: _____

Date of Administrator's Decision: _____

Date of Notice of Decision to Public (mailed, published): _____

Requested zoning will be harmonious and consistent with the city of Sumas comprehensive plan because the comprehensive plans focus is on increased density within city limits. Storage units will be necessary now and in the future because of the increased amount of multifamily living situations that are extremely lacking of storage area. We hope by providing this service it will clean up our community.

The requested zoning will be compatible with the surrounding uses because it is located close to many multifamily buildings as well as single family homes that need this service. It is also located next to the major highway with good visibility.

The existing errors for the current zoning, which is commercial, is the lack of direct highway access to the property. Typically, commercial businesses will demand direct highway access so that potential clients won't pass by their business. The commercial zoning business types currently allowed do not fit compared to the needs of mini warehouse zoning.

The reason the changing zoning is justified is the lack of direct access. We had hoped we could get this restriction changed but found through a title search that the right to direct access was given up by the previous property owner and the city when Sumas Ave and Highway 9 were last reconstructed.



2110502339
Page: 1 of 2
5/24/2011 9:12 AM
DEED \$63.00
Whatcom County, WA

Request of: WHATCOM LAND TITLE

For Record at Request of
Starkenbug-Kroontje
Attorney at Law, P.S.
P.O. Box 231
Lynden, WA 98264

Edh

AFTER RECORDING RETURN TO:
Name: Whatcom County Fire Protection District No. 14
Address: 143 Columbia Street
City/State: Sumas, WA 98295

W-104627 STATUTORY WARRANTY DEED

THE GRANTOR *pgs 2* James E. Skillman, Executor for the Estate of Christine C. Skillman, also known of record as Christina C. Skillman and James E. Skillman and Maureen E. Skillman, husband and wife

for and in consideration of ten dollars and other good and valuable consideration

in hand paid, conveys and warrants to Whatcom County Fire Protection District No. 14, a Washington municipal corporation

the following described real estate, together with all after acquired title, situated in the County of Whatcom, State of Washington:

Lot A, Skillman Lot Line Adjustment, according to the plat thereof, recorded April 29, 2011, under Auditor's File No. 2110402935, records of Whatcom County, Washington.

Situate in Whatcom County, Washington.

Subject to and together with all easements, restrictions and reservations of record.

Assessor's Property Tax Parcel Number(s): 400403 585531 0000, 400403 571531 0000, 400403 585515 0000, 400403 557515 0000, and 400403 570509 0000

Dated this 9th day of May, 2011.

Estate of Christine C. Skillman

James Skillman Jr.
James Skillman Jr., Executor

James E. Skillman
James E. Skillman

Maureen E. Skillman
Maureen E. Skillman

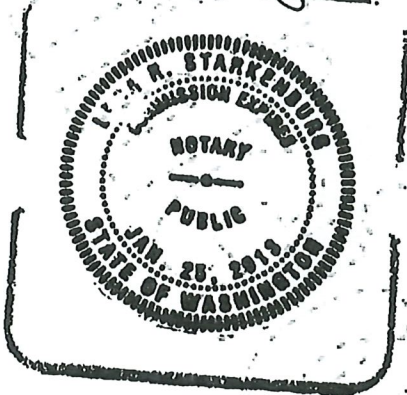
1/24/23

STATE OF WASHINGTON)
)
COUNTY OF WHATCOM)

ss.

I certify that I know or have satisfactory evidence that **James Skillman Jr. as Executor of the Estate of Christine C. Skillman**, signed this Statutory Warranty Deed and acknowledged the same as his free and voluntary act on behalf of the Estate for the uses and purposes mentioned in the instrument.

Dated this 9th day of May, 2011.



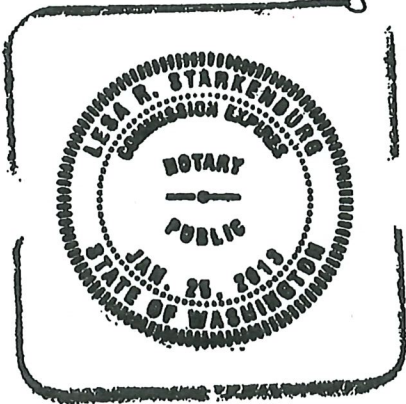
Lesa R. Starkenburg
Notary Public in and for the State of
Washington, residing in Lynden
My commission expires: 1/25/13.

STATE OF WASHINGTON)
)
COUNTY OF WHATCOM)

ss.

I certify that I know or have satisfactory evidence that **James E. and Maureen E. Skillman**, signed this Statutory Warranty Deed and acknowledged the same as their free and voluntary for the uses and purposes mentioned in the instrument.

Dated this 9th day of May, 2011.



Lesa R. Starkenburg
Notary Public in and for the State of
Washington, residing in Lynden
My commission expires: 1/25/13.

JRS 1/24/2013 RL



DATA SOURCES:
Whatcom County Assessor's
Office & Planning Department,
and the City of Sumas

CITY OF SUMAS, WA EXHIBIT A OFFICIAL ZONING MAP

PROJECTION:
UTM Zone 10 North
NAD 27
SCALE: 1:15,840

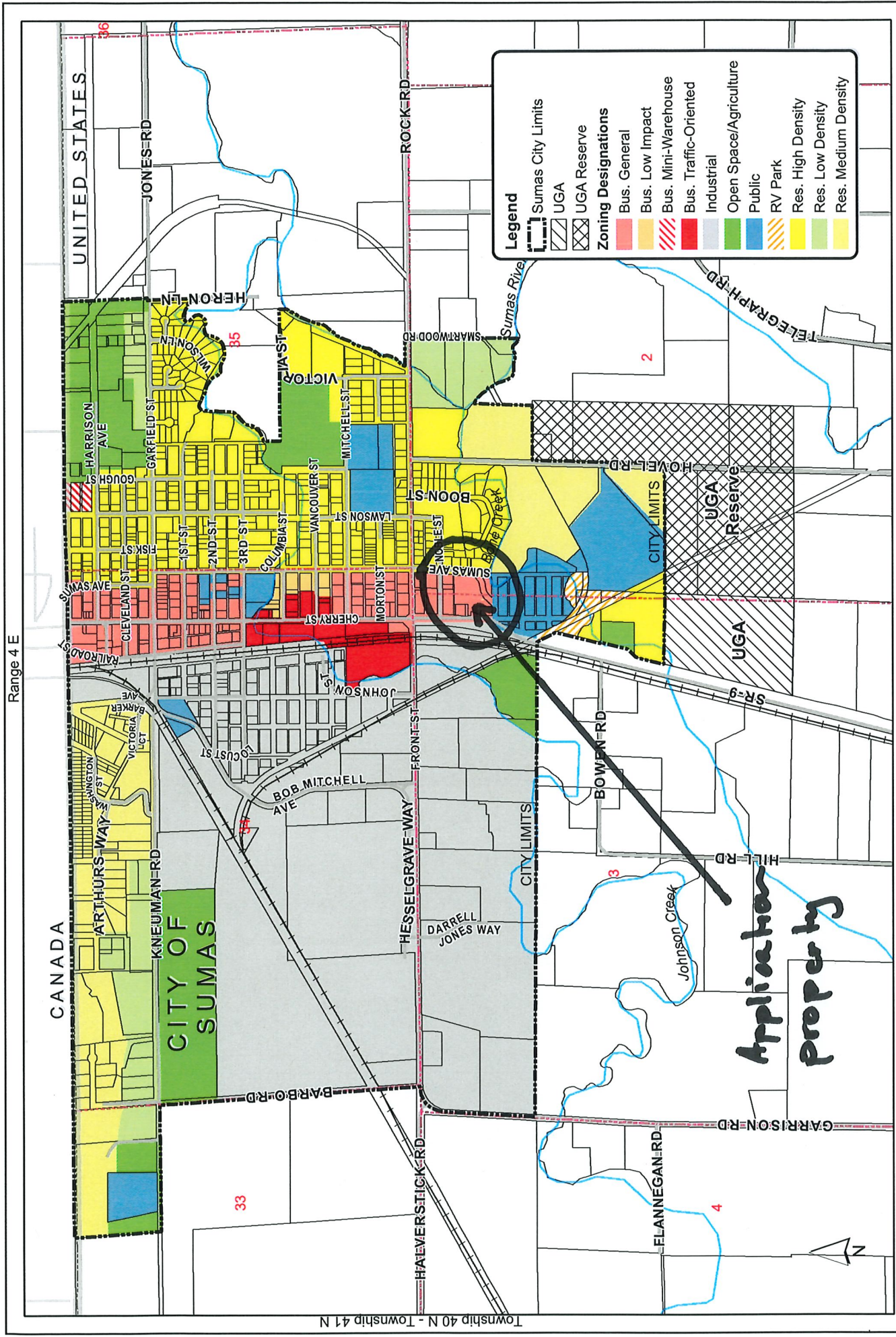


Legend

- Sumas City Limits
- UGA
- UGA Reserve

Zoning Designations

- Bus. General
- Bus. Low Impact
- Bus. Mini-Warehouse
- Bus. Traffic-Oriented
- Industrial
- Open Space/Agriculture
- Public
- RV Park
- Res. High Density
- Res. Low Density
- Res. Medium Density





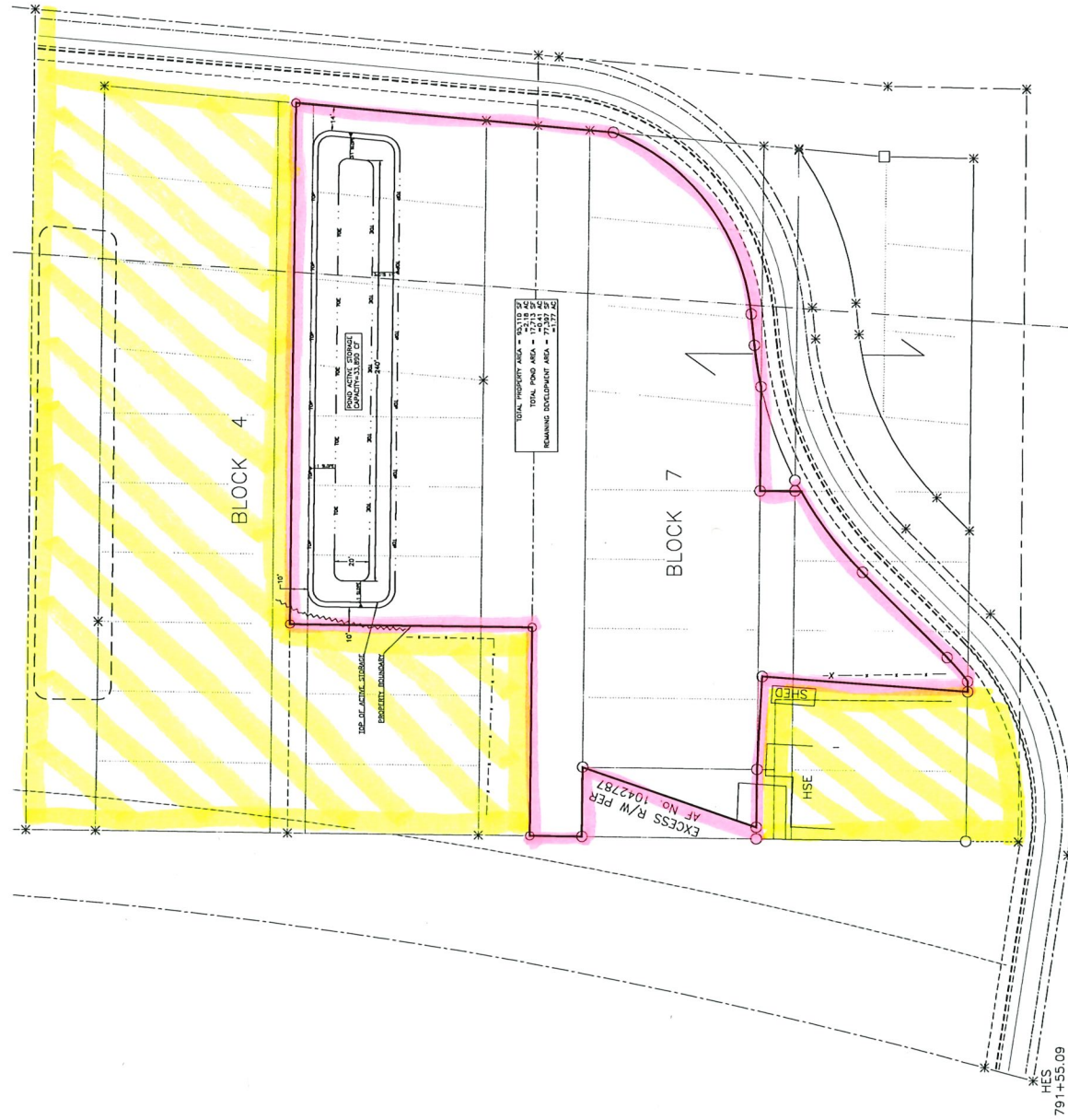
**Application
Property**

CANADA
CITY OF SUMAS

Range 4 E

Township 40 N - Township 41 N

 = Current zone commercial
 = Current zone commercial. Application to rezone to mini warehouse.



NO.	DATE	DESCRIPTION	BY	CHECKED	SCALE	FIELD BOOK

PACIFIC SURVEYING & ENGINEERING, INC.
 877 3rd Ave, Ste 2111, Bellevue, WA 98004
 WWW.PSE-ENGINEERING.COM

PSE
 OPTION 1
 SHEET 01 OF 03

JASON HEITINK
 8071 GLEN ABERNATHY LN, STE 105
 LYNNHURST, WA 98044
 (206) 305-9135

NO.	DATE	DESCRIPTION	BY	CHECKED	SCALE	FIELD BOOK

City of Sumas Mayor/Council and Planning Commission
 Sumas City Hall
 433 Cherry St.
 P.O. Box 9
 Sumas, WA 98295

July 26, 2023

RECEIVED

JUL 26 2023

CITY OF SUMAS

Re: Rezone Mini-Warehouse – parcel #40040357252

Esteemed Mayor, Council members, and Planning Commission,

I am writing this letter in regard to a letter that I received from the City of Sumas about proposed comprehensive plan map amendments and site rezone – Notice of Public Comment period and Public Hearing having to do with a pending application from Brad Heppner and Jason Heutink for a comprehensive plan amendment and site specific re-zone to change the current zoning of a property located within City limits from Business – General to Business – Mini-Warehouse.

This site-specific rezone included an approximately 2.5-acre property (owned by Whatcom County Fire District 14) located northeast of the intersection of Sumas Avenue and Cherry Street (SR 9) within City limits. The specific location of the site is: 1400 Block of Sumas Avenue with the NE ¼ of the NE ¼ of Section 3, Township 40 North, Range 04 East of W.M. within Sumas WA. The Whatcom County Accessor's parcel numbers are 40040357252.

This letter is in response to the 60-Day public review period required by the state Growth Management Act.

I am a resident of Sumas and live at 1245 Sumas Ave – within 300' of the property with the proposed change of zoning. I have many concerns in regard to the proposed zoning change and I do not believe that changing the zoning to Business- Mini warehouse is a good idea.

There are many commercial areas in more industrial areas where the mini-warehouse designation would be more fitting. The property in the city that is currently zoned Business – Mini warehouse is tucked away from the main flow of traffic and main view of those passing through the city. Mini warehouse/storage facilities should reside in industrial areas and not directly adjacent to residences, city parks, or main city street. The Mini Warehouse designation does not fit with the adjacent zoning in the area and would be in a prominent location in the town almost directly off of the main roadway in and out of town. This does not promote the city or give those passing through a good impression of the city – the first thing you see coming into the city is a mini storage with 8' high anti-personnel fencing. It is realized that this is Business general property but feel this designation is more fitting than a Mini warehouse designation. The existing zoning or almost any other zoning designation would be better than mini-warehouse in this location – right next to SR 9 and the City Park. The current and future zoning seem better suited to the city and the rest of Cherry Street.

Another concern with this property is the displacement of water. As seen in attached pictures – this property is low and holds water. Fill has been added to this property before – as seen in pictures and we have seen displacement of water because of this. During the latest large flood event this whole property was underwater. Presumably if Mini-Warehouse were built the owners and occupants of the

mini warehouse facilities would want their possessions to be and remain dry. This would mean that this area would need to be built up to fill in this low spot, be brought up so that it did not flood, or need flood venting in which the water would need to flow through. Being an adjacent property, we are very concerned about where any potential puddling water or flood water would go and how a development in this location would affect water containment and flow.

In the City of Sumas Zoning - Business - Mini Warehouse designation section 20.46.050 Security – the requirements call for anti-personnel fencing 8' high as required. We do not think this would look good on a main thorough fair through the city, by a city park, or by the adjacent residences.

I know that there will probably be more input sought from residents in the future, but I do not think that it would be wise to proceed with a change of zoning to Mini Warehouse.

Attached are associated pictures for reference.

Please feel free to contact me or let me know if you would like me to speak with you.

We are opposed to this being re-zoned to allow mini warehouse in our neighborhood and we would ask the Council and Planning Commission not rezone this property and to keep its existing zoning or consider other designation for this property.

Thank you,

Darren and Karla Leyenhorst
1245 Sumas Ave.
Sumas WA





MAY 31 2023

Item B.

CITY OF SUMAS

Esteemed Mayor and Council members,

I am writing this e-mail to you in regard to item 5a. of the agenda of the May 22nd Sumas City Council meeting about the Change of Zoning or Classification Application of Brad Heppner of the property at the south end of town, owned by the Whatcom Fire District.

At this meeting Council voted to allow this to be property to be docketed for re-zoning to allow mini-warehousing. I believe this should have been a proposal for docketing rather than an approval for docketing as I don't believe that this fits the neighborhood or the neighbors desires.

I am a resident of Sumas and live at 1245 Sumas Ave – within 300' of the property with the proposed change of zoning. I have noticed that in the Change of Zoning or Classification Application it called for notification by self-addressed labels pre-addressed to the latest recorded real property owners within three hundred (300') of the property affected by the application. I have not received any notice about this and was only notified about the meeting about this minutes before the latest council meeting.

I believe that a Proposal for docketing would have given neighbors the opportunity to weigh in on the proposed zoning as so to avoid conflict in the future. I have talked with my neighbors and they are all opposed to the mini warehouse designation as they do not feel it fits the neighborhood. One neighbor of mine even stated that he would probably be good with about anything else besides this designation. There aren't too many people happy with this idea and I think it would be good to have more input before going down this path.

There are many commercial areas in more industrial areas where the mini-warehouse designation would be more fitting. It is realized that this is commercial property but it seems more fitting that a different commercial application or multi-family construction would fit better in the neighborhood given the surrounding properties.

I know that there will probably be more input sought from residents in the future but I think that it would be good to vet this out a little more before proceeding with this.

Attached are associated documents for reference.

Please feel free to contact me or let me know if you would like me to speak with you.

We are opposed to this being re-zoned to allow mini warehouse in our neighborhood and we would ask the council to re-consider their position and consider other designation for this property.

Thank you,

Darren Leyenhorst