



Date Issued:	June 30, 2020
Project Name:	CUP #20-01, Janstar Holdings
Applicant:	Blake and Jody Starkenburg
Property Owner:	Blake and Jody Starkenburg
Site Address:	409 Judson Street Alley
Parcel Number	400320-329234
Zoning Designation:	CSL
Application Type:	Conditional Use Permit
Parcel Size:	N/A
Hearing Type:	Quasi-Judicial
Hearing Objective:	The objective of this public hearing is to determine whether the proposed Conditional Use Permit meets the criteria found within Section 19.49.020 of the Lynden Municipal Code.
Date application determined complete:	June 11, 2020
Date of Publication:	June 24, 2020
SEPA Determination:	N/A
Project Description:	The applicant is requesting a conditional use permit to allow the growing of produce and associated sales within the CSL zoning designation.

Background and Notification Requirements:

In accordance with Chapter 17.15 LMC, the proposed action was reviewed for concurrency and should the conditions listed within this report be met, a finding of concurrency will be made in accordance with Section 17.15.060(C)(3).

The Commercial -Local Services zoning on the subject property allows for a wide variety of uses but requires that agricultural production and sale requires a conditional use permit. As such, the request for a Conditional Use Permit is to allow the growing of produce along with the associated sales of the produce component of the business. Future uses may be mentioned in the application package/drawings but are not currently proposed.

The applicant has met the minimum submittal requirements and the application was determined to be complete on June 11, 2020. The notice of application was published on June 24, 2020.

The City has received proof of certified mailing and the affidavit of posting in accordance with the City's requirements.

Applicant – Please provide written responses the following staff comments. Advisory comments should be noted as acknowledged or understood.

Planning Department Comments:

1. *Screening:* Landscape screening is required on all commercial zones adjacent to residential and public use zones per LMC 19.61.090. Staff recommends that constructed elements such as equipment storage sheds and mechanical areas be screened per the code, however the screening of the remaining property be reviewed and required at the time of Design Review Application in conjunction with a proposal for a primary structure on the property.

LMC 19.61.090. Adjacent to Residential Zones: This includes the eastern property line of the subject property. Per LMC 19.61 this must be a Type II planting strip, ten feet in width. A Type II planting strip consists of one row of trees spaced a maximum of ten feet on center. The remainder of the planting strip shall be planted with plantings that will result in an attractive ground cover within two years.

LMC 19.61.090. Adjacent to Public Use Zones: On portions of the western property line adjacent to Public Use zones property the property must provide a Type III planting strip, ten feet in width. TYPE III planting strips are composed of a sight screening evergreen hedge meant to provide a sight, sound and psychological barrier between zones with some degree of incompatibility. The spacing of evergreen plants shall be such that they form a dense hedge within three years. The minimum height, at the time of planting, shall be four feet, except where the hedge would interrupt the clear vision triangle

2. *Designated Parking:* Be advised that the applicant will be required to meet all on-site parking requirements for the proposed property uses. Chapter 19.51.040 requires 4.5 parking stalls per 1000 feet of gross floor area for *retail uses* and 3 stalls per 1000 square feet (minimum of 5) for *business office use*.
 - a. Be advised, minimum parking stall requirements are 9 feet wide by 21 feet deep. These dimensions must be shown on building permit plans.
 - b. Handicapped Parking: Handicapped parking shall be installed in accordance with the "Regulations for Barrier-Free Facilities" as adopted by

the Washington State Building Code Advisory Council or 2% of the required parking stalls, whichever is greater.

- c. All parking must be paved.
3. *Access:* Primary access to the property will be from Riverview Road. All access and parking generated by the general public must occur off of Riverview Road and not off of Judson Street Alley due to its substandard condition. Consistent with Public Works comments, staff recommends that any existing access points that exist off of Judson Alley be gated or otherwise blocked to prevent general access.
4. *Advisory Regulations:* Chapter 19.49.020 (C) states that a Conditional Use Permit will be granted only if the proposed use complies with the standards and criteria listed in that section of code. Staff acknowledges that the applicant has responded to each of the criteria. These responses will be included in the application package.
5. *South Historic Business District Sub-Area Plan:* In 2006 the City Council approved a long-range planning strategy for the South Historic Business District. The subject property is part of this sub-area. Staff has concluded that the proposed agricultural production is consistent with the agricultural theme of the Comprehensive Plan and elements of the Sub-Area plan. Also, it does not prevent future development of the area which would include additional elements of the Sub-Area plan such as a mix of commercial and residential uses and a connecting pedestrian / vehicular network. Be advised, additional development in this area is expected to meet the intent of the sub-area plan including associated infrastructure improvements.
6. *Street / Trail Construction:* Be advised, future development on this property may require the construction and dedication of public access ways consistent with the South Historic Business District Sub-Area Plan.
7. *ROW Dedication:* Be advised, future development on this property may require right-of-way dedication along Judson Street Alley.
8. *Business License Required:* Be advised, upon approval and commencement of the conditional use, the establishment must revise the existing business license from the City of Lynden to include agricultural production and seek / modify any associated State of Washington permits.

Fire and Life Safety

9. The Fire Department has reviewed the conditional use permit application and has no comment.

Parks and Recreation

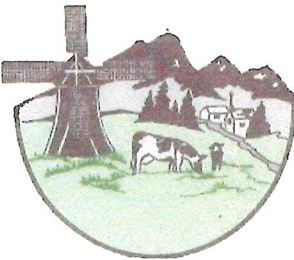
10. The Parks Department has reviewed the application and has no comment.

Public Works

11. Street Access: Only existing accesses points can be used. No new access points (curb cuts) will be permitted onto Riverview.
12. Street Access: Be advised, no vehicle access to Judson Street Alley.
13. Street Access: Although parcels may have common ownership, if access is created which crossing adjacent parcels, appropriate easements shall be granted and recorded.
14. Parking: Be advised, all parking areas must be paved.
15. Drainage: Be advised, all development must meet City and Department of Ecology standards. Location in Nooksack drainage basin allows for treatment only.
16. Floodplain: Be advised, no new/additional fill can occur in the floodplain.
17. Water Infrastructure: Be advised, depending on use, water backflow protection device(s) will be required.
18. Sewer Infrastructure: Be advised, depending on use, grease trap(s) may be required.
19. Infrastructure Improvements: Be advised, future permits may require utility extensions, easements and, corridor establishments consistent with the City's adopted Comprehensive and Sub-Area plans.

We have read and understood Comments 1-19

Blake & Jody Starkenburg



City of Lynden

Conditional Use Permit Application

General Information:

Property Owner

Name: Blake + Jody Starckenburg (Janstar Holdings)
Address: Po Box 801 - 409 Judson St Alley
Telephone Number: 360.303.7610 Fax Number: _____
E-mail Address: bstarckenburg@gmail.com + jodystarckenburg@gmail.com

Applicant (Agent, Land Surveyor or Engineer)

Name: Jody + Blake Starckenburg
Address: _____ " " _____
Telephone Number: _____ Fax Number: _____
E-mail Address: _____

Who is the primary contact for this project? This person will receive all official correspondence for the project. Property owner Applicant

Property Information

Project Location (street address / block range): 409 Judson St Alley
Legal Description (attach if necessary): _____
Assessor's Parcel Number: 400320329234 Zoning Designation: CSL
Parcel Square Footage: 184,693 Property Dimensions: _____
Applicable Sub-Area: _____ Building/Structure Size: _____
Height of Structure: _____ Addition Size: _____

Please describe request in detail: CUP Criteria must be attached

Requesting permission to grow and/or sell produce /
agricultural products.

BY SIGNING THIS APPLICATION, I CERTIFY THAT ALL THE INFORMATION SUBMITTED IS TRUE AND CORRECT. I ALSO UNDERSTAND THAT NO FINAL APPROVAL WILL BE ISSUED UNTIL ALL FINAL REVIEW COSTS ARE PAID IN FULL.

SUBMITTED BY: Blake Starckenburg DATE: April 15, 2020
PROPERTY OWNER SIGNATURE: _____ DATE: April 15, 2020
PROPERTY OWNER PRINTED NAME: BLAKE STARCKENBURG DATE: April 15, 2020

Proposed Use:

Vonstar Farms is a Responsible local Farm & Garden Operation owned by Blake & Jody Starkenburg, doing business as Vonstar Farms. We would like to offer Premium, organic produce for local downtown eateries with fresh daily deliveries of salad greens and seasonal produce, along with a Farmstand/Market for extra and other additional agricultural products. Products would/can be grown in the field nursery but we would also have the ability to partner with other local farms to offer more agricultural products that can be sold and distributed to the community. The field nursery/garden operation is located in the CSL zone of the South Historic HBD zone, while just a portion will be used for growing produce/agricultural products.

1.) The proposed use in the proposed location will not be detrimental to the surrounding uses legally existing or permitted outright within the zoning district.

The proposed use is located South of Downtown Lynden between 3rd and 5th streets and North of Riverview Dr. This area of Downtown Lynden which is most often referred to the "Backside" of town, has seen little effort made by property owners to capitalize on the uniqueness and charm of its location, currently the property is neighboring to warehouse businesses & metal structures, which are lacking in maintenance & appeal. The garden/agricultural portion serves as a unique and beautiful Green Space in the center of a town that will in time become more dense in Housing and Business as well as a draw for tourism. The proposed use will not be a detriment to any adjacent land or building owners.

2.) The proposed use, together with proposed mitigation, will not be detrimental to Public Health or Safety and will be compatible with the surrounding area and land uses with respect to the following:

- a.) The delivery of fresh produce to local restaurants (Market Garden). Will have minimum impact to traffic or pedestrian circulation. Most Deliveries will be in earlier morning hours and can be made in standard vehicle or via pedestrian methods.
- b.) We do not anticipate offensive smells, noises or glares outside of a typical small Agricultural operation. Our tractor and equipment are quieter than the service & delivery trucks that frequent the Alley with daily deliveries to and from the many businesses and warehouses to the north of the property.
- c.) The Farmstead sits on a slight slope facing South with views of Mt. Baker and the Twin Sisters. South of Riverview Rd is a large Floodplain & Floodway, future building South of Riverview Rd. is not likely, thus maintaining a view of the Farming Valley. The site is mostly devoid of trees and structures.

3.) The Proposed use is supported by adequate public facilities and services unless conditions can be established to mitigate adverse impacts to those facilities or services.

We plan to follow all codes, rules and regulations, and the property is also located within several feet of a Public Restroom located at the corner of 4th and Front St.

4.) The traffic generated by the proposed use will not cause the traffic circulation system in the vicinity to deteriorate below the adopted level of service.

We do not envision any deterioration within the traffic circulation based on our growing/selling of Agricultural products. The primary traffic circulation being Riverview Rd. has adequate capacity.

5.) The proposed use complies with all of the performance standards, parking requirements, height, setback, lot coverage requirements, landscaping standards, and other provisions of the Lynden Municipal Code.

All current Lynden City Codes will be reviewed and complied with.

6.) There are adequate buffering devices, as specified in the landscape standards, or other topographic characteristics, to protect the adjacent properties from adverse impacts of the proposed use.

We do not envision any adverse effects to adjacent property owners, However we are moving in a direction of landscape to protect us from the adverse effects of adjacent property owners NOT maintaining land and buildings.

7.) The proposed use will not destroy or substantially damage any natural, scenic, or historic features.

We have not found any Natural, Scenic or Historical features which would be impacted, in fact we would be bringing it back to its previous historical use as a Farmstead.

8.) The proposed use is generally consistent with the purposes and objectives of the City Comprehensive Plan and Applicable Sub Area.

We believe the proposed growing/selling of produce/agricultural products would be a great asset to Downtown Lynden and the Historic CSL property, with the reduced demand for Commercial Retail space our proposal would offer a unique, long lasting viable business opportunity that could bring in people to eat at our downtown eateries and enjoy the beauty and tranquility for pedestrians & tourists to walk through and enjoy the seasons.

NAMES AND ADDRESSES OF ALL PERSONS HOLDING INTEREST IN THE PROPERTY

BLAKE STARKENBURG - 816 E FRONT ST, LYNDEN, WA 98264

JODY STARKENBURG - 816 E FRONT ST, LYNDEN, WA 98264

Abbreviated Legal Description:

LOTS A-B-C OF B.D.C. LLA AS REC AF 2070304692-EXC TR DAF-ALL THAT PTN LOTS
A-B-C OF B.D.C. LLA AS REC AF 2070304692 LY SLY OF FOLL DESC LI-COM AT A 5/8
INCH REBAR WI COMPASS PT LS 32430 CAP MARKING MOST NLY COR OF PARCEL F
AS SHOWN IN RIVERVIEW LLA AS REC



City of Lynden

Critical Areas Checklist

Section: 20 Township: 40 Range: 03 Parcel Number: 400320329234

Site Address: 409 Jackson

Proposed Uses: Garden, nightly rentals & Event Venue

Please answer the following questions concerning Critical Area indicators *located on or within 200-feet of the project area:*

- Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, please attach a list of document titles).
 Yes No Unknown
- Are there any surface waters (including year-round and seasonal streams, lakes, ponds, swamps)?
 Yes No Unknown
- Is there vegetation that is associated with wetlands?
 Yes No Unknown
- Have any wetlands been identified?
 Yes No Unknown FloodWay
- Are there areas where the ground is consistently inundated or saturated with water?
 Yes No Unknown
- Are there any State or Federally listed sensitive, endangered, or threatened species and habitats?
 Yes No Unknown
- Are there slopes of 15% or greater?
 Yes No Unknown
- Is the project located within a Flood Hazard Zone?
 Yes No Unknown
- Do you know of any landslide hazard areas?
 Yes No Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

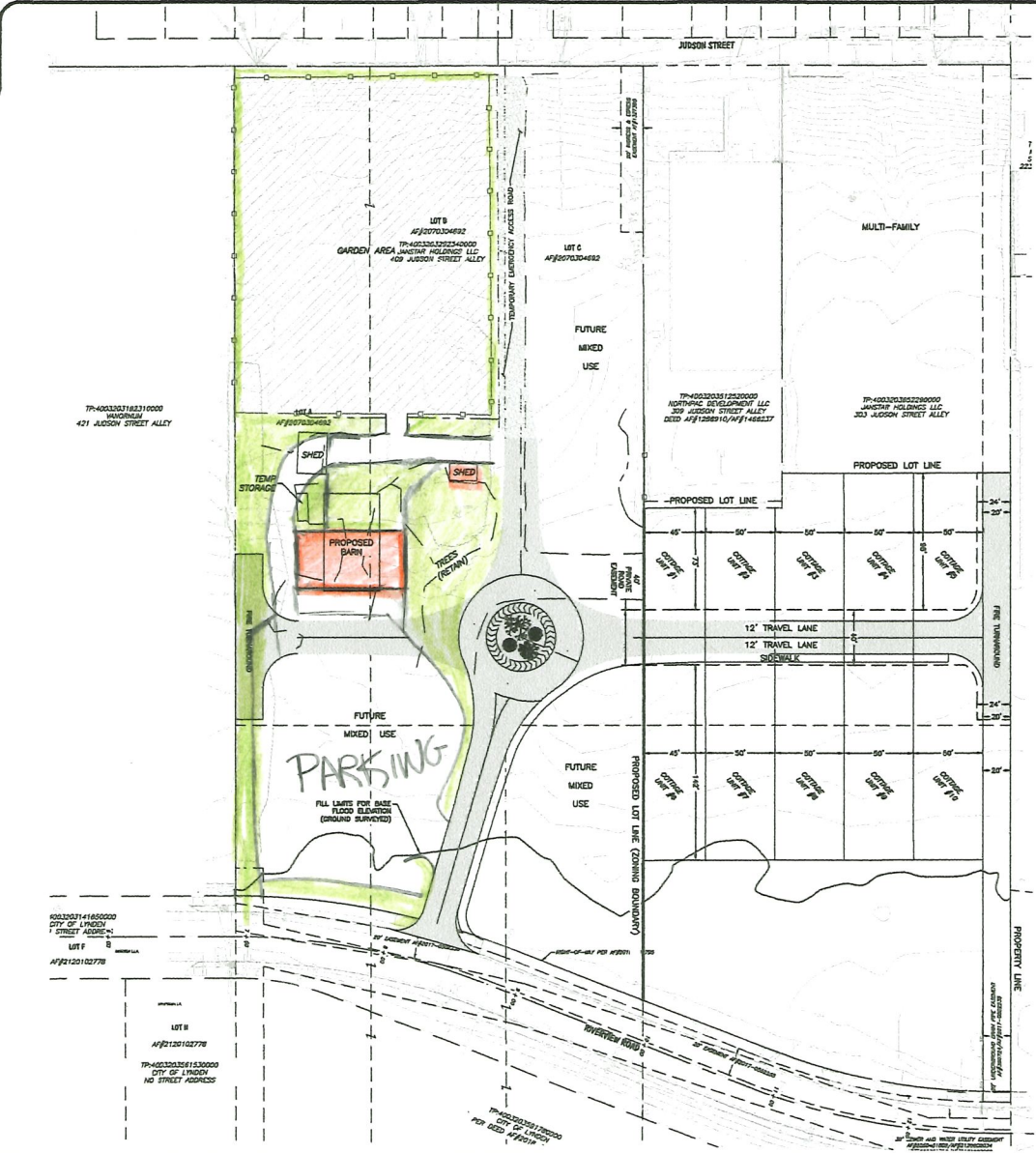
I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of Chapter 16.16 of the Lynden Critical Areas Ordinance.

Jo deStarkenburg
Applicant's Signature

4/15/20
Date



PACIFIC SURVEY & ENGINEERING INC
 909 SQUALICUM WAY · SUITE 111 · BELLINGHAM, WA 98225 PHONE: 360.671.7387 FAX: 360.671.4685 EMAIL: info@pseurvey.com



FIELD BOOK	TBM. NO.	LOCATION	ELEV.	DATA	DATE	SCALE	REV	DATE	REVISION DESCRIPTION	BY	No.	ISSUE DESCRIPTION	DATE
DESIGN:				DATE:									
STATION:				BY:									
ASBUILT:				DATE:									
SURVEY REFERENCE: VERTICAL DATUM: PLAN CHECK: REVISIONS: ISSUE: PER:													

BLAKE STARKENBURG
 NORTHWOODS PROPERTIES
 PO BOX 801
 LYNDEN, WA 98264



JUDSON VILLAGE
 LYNDEN, WASHINGTON
 SITE DEVELOPMENT
 SITE PLAN

JOB No. 2018228
 SHEET
01
 OF
05

Google Maps 409 Judson St



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