

CITY OF LYNDEN

PLANNING DEPARTMENT
360-354-5532



PLANNING COMMISSION MEETING MINUTES

7:30 PM July 9, 2020
Microsoft Teams Meeting

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Lynn Templeton, Blair Scott and Nikki Turner, Diane Veltkamp, Bryan Korthuis and

Absent with notice: Gerald Veltkamp

Staff Present: Gudde, Planning Director, Samec, City Planner

3. APPROVAL OF MINUTES

A. June 11, 2020

Faber motioned to approve the June 11, 2020, Planning Commission Minutes as submitted. Seconded by Korthuis and the motion passed 6-0.

4. DECLARATION OF CONFLICT

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

5. PUBLIC HEARINGS - Quasi-Judicial Item

A. CUP #20-01, Vonstar Farms, 409 Judson Street Alley

D. Veltkamp opened the public hearing.

Gudde stated that no comments were received from the public regarding this request. Janstar Properties, represented by Blake and Jody Starkenburg, have requested a Conditional Use Permit for their property located at 409 Judson Alley for agricultural production and sales.

The Commercial -Local Services (CSL) zoning on the subject property allows for a wide variety of uses but requires that agricultural production and sales seek a conditional use permit. As such, the request for a Conditional Use Permit is to allow the growing of produce and the associated sales of the produce. Future uses may be mentioned in the application package/drawings but are not currently proposed. Traffic related to the proposed CUP is expected to be minimal. General access to the site will occur from Riverview Road.

In 2007 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. Future development in this area is expected to meet the intent of the sub-area plan including associated infrastructure improvements.

Speaking in Favor:

Blake Starkenburg, 409 Judson Street Alley, Lynden

Starkenburg stated that they acquired the property a few years ago. Started hobby farming which grew into a business venture that they wanted to pursue. The Starkenburgs are excited about supplying downtown restaurants and local residents with fresh greens and produce. This all falls in-line with our passion.

Speaking in Opposition: None

Faber asked if the current operation of the farm is in that same area? How do you mitigate the dust that may be generated? Starkenburg replied, yes the current operation will be operated within the same area as shown on the plan. The mitigation methods that we have been employing for the farm has generated minimal dust. No large tractors are used, just a small BS walk behind tiller. We are hoping to employ no till methods as well, and in that environment, there will be no dust transmission to the surrounding area. Faber was satisfied with the response.

Veltkamp asked, looking at the map in the packet there appears to be two sheds and a barn proposed. Blake replied, yes, however, the only structure currently there is a 10x12 garden shed. In time, we would like to add the other structures to the site.

Veltkamp asked about the round-about shown on the map. Starkenburg stated, that is one option of many. We are still in the design process.

There was also brief discussion regarding 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. Gudde stated that any existing access points that exist off of Judson Alley should be gated or otherwise blocked to prevent general access.

The Commission had no further questions.

Scott motioned to close the public hearing. Seconded by Faber and the motion passed, 6-0.

Per code, the Planning Commission and Council shall enter findings to support any recommendation or decision on a CUP application. A CUP will be granted only if the proposed use complies with the standards and criteria listed below:

1. The proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district; **Commission agreed**
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:
 - i) traffic and pedestrian circulation,
 - ii) noise, smoke, fumes, glare or odors generated by the proposed use,
 - iii) building and site design,
 - iv) the physical characteristics of the subject property

Commission agreed.

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; **Commission agreed.**
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. **Commission agreed.**
5. The proposed use complies with the performance standards, parking requirements, height, setback and lot coverage requirements, landscaping standards and other provisions of the Lynden Municipal Code. **Commission agreed.**
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. **Commission agreed.**
7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance. **Commission agreed.**
8. The proposed use is generally consistent with the purposes and objectives of the City Comprehensive Plan and applicable Sub-Area Plan. **Commission agreed.**

Planning Commission Discussion:

Templeton asked Gudde if there was any information or plans for improvements to Judson Alley. Gudde replied, future development will likely require right-of-way dedication along Judson Street Alley. In addition, development in this area is expected to meet the intent of the sub-area plan including associated infrastructure improvements.

Faber motioned to recommend to the Council the approval of Conditional Use Permit #20-01, Vonstar Farms / Janstar Properties, subject to the conditions of the Technical Review Committee Report dated June 30, 2020. Seconded by Scott, and the motion passed 6-0.

B. CUP #20-02, Darigold Processing, 8455 Depot Road, Lynden

D. Veltkamp opened the public hearing.

Gudde stated that there were no comments from the public regarding this request. Gudde noted that Darigold sent out a photo to the surrounding property owners which was very helpful for clarification of the proposed project.

Gudde addressed the executive summary regarding the above noted project. Darigold Processing, through their agent John Kay, has applied for a Conditional Use Permit to request building height which exceeds what is outright permitted by 10'-6". The industrial zoning district in which the project is located allows for additional height requests to be made via conditional use permits.

The project represents an upgrade to Darigold processing equipment which is used to make dried milk products. The scope of work includes the removal of the 42-year-old chrome dryer and the construction of a concrete tower which will house a new dryer. The chrome dryer which is being removed is approximately 85 feet tall. The tallest structure on the site, a concrete tower that tops out at 140 feet tall, will remain as is. Appearance of the new tower will resemble the existing painted concrete tower. The applicant indicates that the new dryer, being enclosed, in a tower will provide mitigation for some of the industrial noise created in this area.

Speaking in Favor:

David Clemens, Darigold Processing, 8424 Depot Road, Lynden

Clemens stated if you were in the area over the last day or two, you would have noticed that the demolition of the red domed tower was underway and as of today, we have completely removed the equipment from the site. That domed tower, 42 years old, was shut down 2 ½ years ago. The new tower is needed to house the new evaporator equipment.

Speaking in Opposition: None

Faber asked, it seems as though you have identified in your application a 0.4 increase in truck traffic per day? Is that one additional truck a result of increased productivity? Clemens replied yes, with the new equipment, Darigold is able to be a bit more efficient and tweak a bit more milk through the plant. It is a minor increase, not enough to generate a notable increase in truck traffic. Faber asked if and how far out does this particular Darigold plant gather milk from? Clemens replied, we only process milk from Whatcom County. There is more milk in Whatcom County than we can process here on site. The other bit of milk that Darigold cannot handle goes south.

Clemens stated that the tower will match the color of the base of the large tower. Gudde stated that the material will be compatible with the buildings on site.

The Commission agreed that the remodel will make the appearance better.

Scott motioned to close the public hearing. Seconded by Templeton and the motion passed, 6-0.

The Planning Commission and Council shall enter findings to support any recommendation or decision on a CUP application. A conditional use permit will be granted only if the proposed use complies with the standards and criteria listed below:

1. The proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district; **Commission had no concern.**
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:
 - ii) traffic and pedestrian circulation,
 - iii) noise, smoke, fumes, glare or odors generated by the proposed use,
 - iv) building and site design,
 - v) the physical characteristics of the subject property**Commission had no concern.**
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; **Commission had no concern.**
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. **Commission had no concern.**
5. The proposed use complies with the performance standards, parking requirements, height, setback and lot coverage requirements, landscaping standards and other provisions of the Lynden Municipal Code. **Commission had no concern.**
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. **Commission had no concern.**
7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance. **Commission had no concern.**
8. The proposed use is generally consistent with the purposes and objectives of the City Comprehensive Plan and applicable Sub-Area Plan. **Commission had no concern.**

Planning Commission Discussion: No additional questions.

Faber motioned to recommend to the Council the approval of Conditional Use Permit #20-02, Darigold, subject to the conditions of the Technical Review Committee Report dated June 30, 2020. Seconded by Scott, and the motion passed 6-0.

6. COMMISSIONERS CORNER

Gudde stated that the next Planning Commission meeting will take place on July 22nd at 4:00 and will be a joint meeting with the Community Development Committee and Bob Carmichael regarding the Hearing Examiner (HE) process.

Hearing examiner: Veltkamp stated that the Planning Commission has briefly talked about this idea with regards to a Hearings Examiner reviewing Appeals and the items that would go to the Board of Adjustment. Is Bob Carmichael's version be more far reaching. Gudde, replied, yes, it is more comprehensive. The draft Ordinance includes the Board of Adjustments, some variances, appeals of the Building Official, potentially some decisions that have specific criteria such as CUP's, and site specific rezones. There are many different options/directions that the HE process could go. The way it is drafted currently, is that the record would be established with the HE and then if it was appealed it would come back to the City Council for the appeal.

Cedarbrook: PRD Veltkamp asked for information regarding the Legal Counsel that will represent the City Staff, PC and Council for the upcoming Cedarbrook PRD hearings. Gudde stated that there are two attorneys assigned to Staff, another attorney has been assigned to the Commission and then Bob Carmichael will represent the Council. The final dates of the hearings have not yet been confirmed.

Veltkamp asked if there was a conflict of interest to have the same legal firm represent all groups of the City? Gudde replied, no.

COVID 19: Gudde addressed the current state of online meetings and stated that City Administration is planning on carrying on in a similar fashion until there is a vaccine for COVID 19. We will likely have many more virtual meetings.

7. ADJOURNMENT

Motion to adjourn by Scott / Second by Faber. Meeting adjourned at 8:35 pm.