



## PLANNING COMMISSION MEETING MINUTES

7:00 PM October 26, 2023  
City Hall Annex

### 1. CALL TO ORDER

### 2. ROLL CALL

Present: Khush Brar, Tim Faber, Hollie Lyons and Blair Scott

Absent: Jim Kaemingk and Darren Johnson with notice

Staff Present: Gudde, Planning Director and Samec, Planner

### 3. APPROVAL OF MINUTES

A. **May 11, 2023 Scott / Faber / 2<sup>nd</sup> 4-0**

### 4. PUBLIC HEARING

A. **Conditional Use Permit Amendment – CUP 23-01, Premier Freezer - Height**

Gudde addressed the Commission and gave a brief overview of the request.

In November of 2022 the Planning Commission reviewed Conditional Use Permit 22-02 which related to a seafood processing facility for Premier Packing also known as Project Zebra. The company proposed to construct a 194,250 square foot facility with associated truck access, employee parking, and utility infrastructure. The proposal also included an additional 5 feet of building height for the freezer portion of the structure. This would result in a maximum height of 50-feet rather than 45 as permitted outright by code. The Planning Commission recommended approval of CUP 22-02 and the City Council went on to grant the request in December of 2022.

Recently the applicant returned to the city to modify the approved Conditional Use Permit and request additional height on the same facility. The height will allow for greater efficiency in freezer storage and takes advantage of the latest pallet stacking technology. The current application is seeking a height of 80 feet for the freezer portion of the building (a majority of the facility). This final height is similar to the height granted for a portion of the nearby Alliance / Canature facility.

Conditional Use Permits are reviewed against the criteria found in LMC 19.57.210 and the Planning Commission is asked to create findings addressing LMC 17.09.040. Staff from each department has reviewed the request for additional height and produced the attached TRC report including code analysis per the related sections.

JP Slagle, Freeland and Associates, Inc, Project Engineer

No one was present at the meeting to represent the CUP request. The application included the following cover letter.

The project includes the development of a 249,836-square foot seafood processing and cold-storage facility at 603 Curt Maberry Road, Lynden, Washington. The current project proposal is considered an amendment to the existing conditional use permit application (CUP22-02). The redesigned facility contains an expanded freezer space with a maximum building height of 80 feet from the previously approved 50-feet

A CUP amendment and associated building code height variance is requested based on the following design elements:

**Freezer Capacity:** The project site is located to the west of the existing Lineage Logistics cold-storage facility. Lineage Logistics, constructed in 2015, is currently at maximum storage capacity. Approval of a building code height variance for the proposed Project Zebra facility will create additional vertical storage capacity to support Lineage. Both facilities will provide commercial cold storage space to accommodate local farmers and the community.

**Freezer Technology:** Recent advancements in cold storage technology include equipment and automation designed to support freezers of increased building heights. These technologies have been incorporated into the current building design.

**Stormwater Capacity:** An increase in building height will allow for additional cold-storage capacity without increasing stormwater roof runoff volumes to the regional stormwater facility. This will reduce potential drainage capacity issues for the business park.

**Site Access:** The proposed development has been reconfigured to access solely off of Curt Maberry Road. The access to Alderwood Road is no longer necessary to support this project.

Scott asked for clarification, the only change in this request is for an increase to the previously approved building height of 50-feet. Gudde replied, yes, however there has also been a shift in the location of the building, but, in general the building footprint will remain the same. The proposed facility will contain fire lanes, truck access, loading areas, employee parking and walkways using pre-planned access connections. The applicant has also committed to landscaping the site to meet City of Lynden requirements and enhance the aesthetics of the facility.

Traffic impacts will remain the same.

Lyons asked if this property has already been annexed into the city? Gudde replied yes, it is located within the City limits. The Tromp property to the south is not.

Gerald Epp, owner of 3842 200<sup>th</sup> Street, Langley BC

Epp owns 18 acres in the West Lynden Business Park. At the time he purchased the property he was not made aware of the proposed development. Epp received a notice in the mail regarding this CUP hearing. Main concern is preservation of the value of their property. Epps just saw the development plans for the building and is concerned that a majority of the building will be 80 feet tall. This will be a very large building.

Epps stated that he is not speaking in total opposition, just speaking out as he is surprised. Concerned with what the impact could have to do with his property. Curious about storm water and asked where the regional facility is located? Gudde replied, the regional facility is located south of this property near the edge of the UGA. Epps knows that there has been stormwater issues in the area, however assumes that the stormwater rules and regulations will be closely followed. Gudde replied, yes, the rules must be followed. Epps property and Premiers property are located in different drainage basins. The facility associated with this property is called the Duffner Basin. Epps property is located within the Bertrand basin. The stormwater from each property will be appropriately cared for and will stay within the appropriate basin.

Epp also noted that he pays close attention to the architecture style of the surrounding buildings as well as the glare from lighting. Concerned with his business being stuck in the middle of these massive buildings.

The Commissioners had no questions.

**Scott motioned to close the public hearing. Seconded by Lyons and the motion passed, 4-0.**

Brar asked if the City has landscaping requirements? Gudde replied yes, in the Industrial zone, the parcel's street frontage requires a ten-foot Type 1 landscape buffer. Tree plantings shall conform to the approved selection list available from the city. 1.5-inch caliper trunk at time of planting. Industrial properties must also provide landscaping at the entrance of the property. Brar asked if there is a requirement for a certain type of tree? Gudde replied, we look at the surroundings, soil conditions, overhead utilities, ground water etc. We can look to Lineage to see what type of trees they have planted and match. We try to maintain a theme so that it can provide continuity. Brar would like to request that tall shade trees be installed along Curt Maberry Road and the future road to the south to help buffer the building height.

Faber asked what the timing was for the construction of the street to the south? As part of the SEPA requirements for this project, Alderwood Street dedication and frontage improvements are required to a ¾ street standard along the south edge of this parcel.

Brief discussion regarding the permitted height within the IBZ zone.

Scott stated that it is important to support Ag related business and the request for additional height is not causing additional stormwater concerns.

What height was Lineage approved for under their conditional use permit? Staff confirmed that it was 75-feet, however, it was never built to that height.

The Commission reviewed the required criteria as outlined in 19.57.210 ( C ) The Planning Commission and Council shall enter findings to support any recommendation or decision on a CUP application. Conditions may be attached to CUP approvals to mitigate any adverse impacts, protect surrounding properties and to promote the general welfare of the public. A CUP will be granted only if the proposed use complies with the standards and criteria listed below. The applicant shall bear the burden of proof in all CUP proceedings.

1. The proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district. **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:
  - a. Traffic and pedestrian circulation; **No concerns**
  - b. Noise, smoke, fumes, glare or odors generated by the proposed use; **No concerns.**
  - c. Building and site design; **No concerns.**
  - d. The physical characteristics of the subject property; **No concerns.**
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. **No concerns.**
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. **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. **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. **There will be a need for taller trees along the south property line to provide additional buffering of the building.**

7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance. **Agreed.**
8. The proposed use is generally consistent with the purposes and objectives of the city comprehensive plan and applicable sub-area plan. **Agreed.**

The Commission also reviewed the 6 criteria listed under 17.09.040 (C).

1. The development is consistent with the comprehensive plan and meets the applicable requirements and intent of this code. **Yes.**
2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds. **Yes.**
3. The development adequately mitigates impacts identified under Titles 16 through 19. **Yes.**
4. The development is beneficial to the public health, safety and welfare and is in the public interest. **Yes.**
5. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan, and fully complies with Chapter 17.15 of the city code. **No issues with level of service associated with the CUP.**
6. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development and are proportional to the impacts created by the development. **Agreed.**

No further comments from the Commission.

**Scott motioned to approve the Premier Freezer Conditional Use Permit Modification #23-01, requesting a maximum building height of 80-feet subject to the Technical Review Committee Report dated October 20, 2023, and further subject to the following conditions:**

1. **This approval is subject to all conditions outlined in the original Conditional Use Permit application #22-02.**
2. **To minimize impacts to surrounding properties all exterior lighting must be shielded or “dark-sky compliant” lighting throughout the site to minimize lighting impacts.**

3. **Sewer Discharge.** Prior to issuance of the building permit, a sewer discharge study is required to verify impacts, treatment loads, and pipe size. Be advised, this study will require 3rd party review and the applicant assuming associated costs of this review.
4. **Roof-mounted mechanical equipment including condenser units must be screened from view so that this mechanical equipment is not visible from public streets.**
5. **The Conditional Use Permit will be evaluated annually to ensure that compliance with the performance standards as described in LMC 19.25.040 are met, especially as they relate to noise and smell.**
6. **Taller shade trees to be installed along the southern property line to mitigate the impacts to the neighboring properties. Trees to be planted with a minimum 2-inch caliper and a similar species of trees thriving in that area.**

**Seconded by Brar, and the motion passed 4-0.**

Brar asked questions regarding temporary non-commercial signage. Gudde explained the code.

## **5. ADJOURNMENT**

**Motion to adjourn by Scott / Second by Lyons. Meeting adjourned at 8:25 PM**