

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #23-05

**A resolution of recommendation for the approval of
Conditional Use Permit 23-01, Premier Freezer**

WHEREAS, JP Slagle, Freeland and Associates, Inc, hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called "the City." The application, assigned as CUP #23-01, represents a modification to the Premier Freezer (Project Zebra) Conditional Use Permit #22-02 which was approved by City Council on December 19, 2022, to address the use of food processing and an adjusted standard for building height. The modification includes a redesigned facility that contains an expanded freezer space with a maximum height of 80 feet from the previously approved 50-foot limit. The additional height will create additional vertical storage capacity to support storage of frozen product.

WHEREAS, the application was determined to be complete on September 18, 2023, and the notice of application was published in the Lynden Tribune on October 11, 2023; and

WHEREAS, the Proponent has provided the City with receipts for the certified mailing of all required notices to all property owners within three hundred feet of the subject property together with the affidavits of posting said notices; and

WHEREAS, the Lynden Planning Commission held a public hearing on October 26, 2023, to accept public testimony on the proposed conditional use permit modification request, and that meeting was duly recorded;

WHEREAS, the City's Technical Review Committee has reviewed the request for the conditional use permit modification and has provided comments and recommendations to the Planning Commission in a report dated October 20, 2023,

WHEREAS, the Lynden Planning Commission has reviewed the conditional use permit request and has found that the application meets the criteria for granting a conditional use permit under Chapter 19.57.210(C)(1-8) of the Lynden Municipal Code; and

WHEREAS, the proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district as seafood processing, freezing, and storing is consistent with surrounding industrial property uses such as freezer storage and pet food manufacturing; and

WHEREAS, 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 traffic and circulation as property development will include improvements to Alderwood Street and the payment of traffic, fire, and park impact fees as well as the installation of landscape buffers adjacent to public streets; and

WHEREAS, noise, smoke, fumes, glare, or odors will not exceed the required performance standards associated with industrial uses. Site lighting will be directed downward to prevent glare and the use is anticipated to create little to no impact to adjacent industrial uses. Additionally, the city will monitor these standards annually especially as it relates to noise and smell and will require mitigation if standards are not met; and

WHEREAS, the building and site design will be consistent with other industrial development nearby and, in addition, this project will orient parking areas and truck traffic to the interior of the site with the perimeter buffered by landscaping. Screening of rooftop equipment is required, and

WHEREAS, the proposed use is supported by adequate public facilities and services and 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; and

WHEREAS, the proposed use must comply with the industrial performance standards of LMC 19.25.040 and 19.25.050, the site is proposed with adequate parking, industrial setbacks and lot coverage requirements are met, landscaping standards and other provisions of the Lynden Municipal Code with adequate buffering to enhance the public streetscape and to protect the adjacent properties from adverse impacts of the proposed use; and

WHEREAS, the proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance as it is proposed on vacant property which is industrially zoned; and

WHEREAS, the proposed use of seafood processing and frozen storage is consistent with the purposes and objectives of the City's Comprehensive Plan and West Lynden Sub-Area; and

WHEREAS, the Lynden Planning Commission also reviewed the conditional use permit request and has found that the application meets the similar criteria for granting a recommendation of a land use action under Chapter 17.09.040 (C) of the Lynden Municipal Code.

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend approval by a vote of 4-0, to the Lynden City Council, of Conditional Use Permit #23-01, Premier Packing, representing a modification to Conditional Use Permit #22-02, to allow a maximum building height of 80-feet from the previously approved 50-feet, subject to the Technical Review Committee Report dated October 20, 2023:

This approval is subject to all conditions outlined in the original Conditional Use Permit application #22-02:

- 1. To minimize impacts to surrounding properties all exterior lighting must be shielded or "dark-sky compliant" lighting throughout the site to minimize lighting impacts.**

2. **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.
3. **Roof-mounted mechanical equipment including condenser units must be screened from view so that this mechanical equipment is not visible from public streets.**
4. **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.**

Additionally, the Planning Commission recommends the approval be further subject to the following condition:

5. **So as to mitigate the scale of the proposed freezer the street trees required along the southern property line must be a species of shade tree which will mature to a height of 30 feet or greater such as similar species of trees thriving in that area (Tulip Tree). Additionally, these street trees must be a minimum 2-inch caliper at the time of installation and spaced per City of Lynden street tree requirements.**

PASSED by the Planning Commission of the City of Lynden, Whatcom County, by a vote of 4-0, at their regular meeting held on the 26th day of October 2023.



Tim Faber, Chair
Lynden Planning Commission



Heidi Gudde, Director
Community Development Department