

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #22-02

**A resolution of recommendation for the denial of
CUP #21-04, Lynden Automotive Revocation**

WHEREAS, Gerardo Morado hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called "the City," for a conditional use permit to allow an automobile repair shop in an existing commercial building within the CSL zone.

WHEREAS, the application was determined to be complete on October 1, 2021, and the notice of application was published in the Lynden Tribune on November 3, 2021; 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 virtual public hearing on November 18, 2021, to accept public testimony on the proposed conditional use permit request, and that meeting was duly recorded;

WHEREAS, the City's Technical Review Committee has reviewed the request for the conditional use permit and has provided comments and recommendations to the Planning Commission in a report dated November 12, 2021,

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 19.49.020 of the Lynden Municipal Code.

WHEREAS, the Lynden Planning Commission has reviewed the conditional use permit request and has found that the application also meets the criteria for granting a conditional use permit under Chapter 19.49.040 of the Lynden Municipal Code.

WHEREAS, On November 18, 2021, the Lynden Planning Commission recommended approval, to the Lynden City Council, of Conditional Use Permit #21-04, Lynden Automotive, subject to the Technical Review Report dated, *with the following clarifications*:

1. Submission of the stormwater report must be done within 3 months but may be granted a 1-month extension if the applicant demonstrates steps toward compliance.
2. The proposed landscape screen, specifically, is a Type 3 landscape buffer and installed within 30 days of Council decision.
3. The 10 vehicles, temporary parked while under repair, must have current license and registration.

4. The 10 stalls used for vehicles under repair must be located in the northwest corner of the site and not south of the subject business.
5. Removal of storage containers from the site shall be permanent.

WHEREAS, On December 6, 2021, the Lynden City Council approved the CUP application as recommended under Planning Commission Resolution #21-10.

WHEREAS, the applicant had 30 days to install a landscape screen and 3 months to submit a stormwater report, however, to date, no action has been taken to fulfill these conditions or others related to business operation despite written and phone communication with the applicant.

WHEREAS, on July 27, 2022, the Lynden Planning Commission held a public hearing to consider the revocation of the Conditional Use Permit as the required conditions of approval have not been met, and that meeting was duly recorded.

WHEREAS, The Lynden Planning Commission reviewed the conditions of the original CUP approval and the *revised* Technical Review Committee Report dated July 22, 2022.

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend denial of the Lynden Automotive CUP revocation by a vote of 4-0, to the Lynden City Council, **unless** the following conditions are met within 30-days of Council approval:

1. Comply with all items of the Staff report dated November 12, 2021.
2. The applicant has one (1) month to provide a stormwater report or memo prepared by a civil engineer, verifying outdoor automotive mechanical work, washing & cleaning activities in the existing parking lot is in compliance with stormwater elicit discharge requirements. Applicant may inquire at City Hall for archived plans to determine if the storm drains used in the outdoor mechanic work, washing & cleaning activities, drain to an existing oil water separator. Any discharge into the existing drainage system must be compliant with elicit discharge requirements. If it is determined that there is a compliant oil water separator on-site, this system shall be maintained and cleaned. If the existing drains are not connected to an approved system, the outdoor mechanic work, washing and cleaning activities shall cease and desist, until such time as a new compliant system is designed and installed.
3. The proposed landscape screen, specifically, is a Type 3 landscape buffer and installed within 30 days of Council decision.
4. Sixteen (16) long term vehicles under repair are allowed only within the marked sixteen (16) stalls adjacent to the new landscaped area.
5. All parking stalls along Bender Road, south of the existing buildings shall be maintained for employee parking and short-term parking (day use) only. No overnight parking permitted.

6. Removal of storage containers from the site shall be permanent.

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 27th day of July 2022.



Tim Faber, Chair
Lynden Planning Commission



Heidi Gudde
Planning Director