

CITY OF LYNDEN



PLANNING DEPARTMENT
Heidi Gudde, Planning Director
(360) 354 - 5532

Planning Department Memorandum

To: Greg Greenan, Prosecuting Attorney
CC: Bob Carmichael, City Attorney, Rick Johal, Code Enforcement Officer
From: Dave Timmer, City Planner
Date: July 26, 2021
Re: Zoning Code violation – 8894 Bender Rd (Lynden Automotive Specialists)

Greg,

Earlier this year, the Planning Department initiated a zone violation process with Lynden Automotive Specialists, LLC located in Bender Plaza at 8894 Bender Road. This is in the CSL zone and part of the Bender Plaza commercial center. The property is owned by McEvoy Brothers Petroleum, Inc and contains a typical Shell gas station (convenience store) and a building which previously was a typical quick lube service station.

The current business, Lynden Automotive Specialists, is a full-service auto repair shop. The permitted uses table in LMC 19.23.020 states “Automotive support services such as auto repair” requires a Conditional Use Permit in the CSL zone. Lynden Automotive Specialists does not have a Conditional Use Permit for their business in this location.

Below is a record of contact:

- January 28, 2021: Code Enforcement Officer records the presence of several vehicles being stored in the parking lot around the business. The vehicles were in various stages of disrepair (body damage, no license plates, expired tabs). The record also indicates an accumulation of miscellaneous debris on the property (garbage bags being stored in a makeshift trailer).
- March 19, 2021: The Planning Department issued an initial violation letter to the business regarding the stored vehicles on the property and operation of an auto repair business without a Conditional Use Permit (letter attached).
 - March 25, 2021: Property owner (one of the McEvoy brothers) called the Planning Department to discuss the situation. He did not indicate much interest in initiating the Conditional Use Permit process but stated they would work on removing the stored vehicles from the property.

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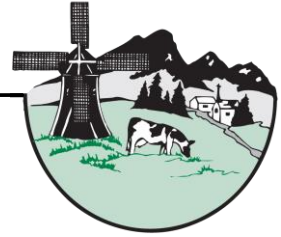


- June 17, 2021: Planning staff visually inspected the property to see if any progress had been made on the stored vehicles. No progress had been made, two storage containers had been added in the parking area behind the building, and drainage from the shop (possibly from detailing/car washing) was observed washing into the stormwater system into the drain behind the building. Construction as-builts of the stormwater system on the property indicate this drain not being connected to the property's oil/water separator system. Public Works staff then made contact with the business to inquire about the stormwater inputs. The conversation was not well received by the business owner.
- June 18, 2021: Planning issued a second follow-up letter (attached) addressed to the property owner and cc'd to the business stating that no progress has been made. It stated that after 30 days, a follow-up inspection would occur the week of July 19 and further action will be turned over to the City Prosecutor.
 - June 24, 2021: Staff received a call from the property owner (a different McEvoy brother than the first time). He was agitated and not pleased with the City's action. Claimed the business is not an Auto Repair Shop.
 - July 1, 2021: Staff spoke with the spouse of Mr Morado (business owner) about the letters. She was also not pleased with the City's action in this case. Claimed the City is racially targeting and harassing this business owner.
 - July 15, 2021: Staff received a voicemail from Jeff Leghorn, lawyer in Blaine, representing Lynden Automotive Specialists stating he would be responding to the letters for his client.
- July 26, 2021: Code Enforcement Officer performs follow-up of property condition since the 2nd violation letter. Zero progress has been made. Junk cars being stored on property (including the same ones identified in the January 28 initial report). Two storage containers in parking spots behind the building. Drainage from vehicle washing/detailing washing into stormwater drain. Garbage bags, vehicle parts, are being stored outside around the building.

Staff understands the business is doing well at this location. Unfortunately, the level of impact associated with this business exceeds the ability of the property to handle it. The CSL zone, where the business is located, requires a Conditional Use Permit (CUP) for this type of business. A CUP would attempt to address the impacts associated with this use. The CSR zone in the city allows this use without a CUP.

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I have attached the supporting documentation. Please let me know if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Timmer', is written over a light yellow rectangular background.

Dave Timmer

City Planner
City of Lynden