

CITY OF LYNDEN



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

PLANNING COMMISSION MEETING

7:00 PM November 17, 2022
Lynden City Hall Annex

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Blair Scott, Jim Kaemingk, Khush Brar, Bryan Korthuis, and Darren Johnson.

Absent: Hollie Lyons

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

3. APPROVAL OF MINUTES

A. **September 22, 2022, Korthuis / Brar 2nd 6-0**

4. DECLARATION OF CONFLICT

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

A. **CUP #22-02, Project Zebra / Premier Packing, 603 Curt Maberry Road, Lynden**

Gudde summarized the proposed Conditional Use Permit Application.

This request facilitates the relocation of an existing Lynden business from the industrial area near Main and Depot Streets to the west Lynden industrial area. Although the zoning is industrial the use of food processing requires additional review to consider the potential impacts to the surrounding properties. Specifically, the request is for a Conditional Use Permit to allow the following:

- Construction of a 194,250 square foot seafood processing facility with associated truck access, employee parking, and utility infrastructure.
- The proposal also includes a request to build 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.
- Additionally, the facility may expand an additional 74,000 square feet as shown within the application (see site plan).
- The access for this site will be from Curt Maberry Road and Alderwood Road.

Gudde reminded the PC that a Conditional Use Permit is for a use that could possibly have an impact on the surrounding properties. CUP's are reviewed against the criteria found in

LMC 19.49.020. The applicant has addressed those in their application and can also be found in the meeting packet.

Scott asked about building heights of other CUP's in the area. Gudde replied and stated that the building heights for Alliance Freeze Dried – approval for 75-feet and Project Berry approval for 75-feet. The request this evening is for 50-feet.

JP Slagle, Freeland and Associates, 220 West Champion, Bellingham, Applicant.

Slagle is the project engineer and is representing Premier Packing. Slagle stated that Gudde summed up the CUP request. As mentioned, this will be a relocation of an existing Lynden business from the industrial area near Main Street and Depot Street. The business has been very successful and has outgrown its current location. The request for an additional 5-feet in building height will cover what we need for the freezer and is much lower than other freezers in the area. Slagle introduced Doug Jay, owner of Premier Packing.

Doug Jay, Owner, Premier Packing.

Jay stated that they are very excited about the new facility. We are currently operating out of 8000 sq ft. The new proposed facility is 194,000 sq ft. The business has grown so quickly and has more than outgrown our current location. With a 30% annual growth rate, the company has a very bright outlook. Our products are sold US wide and in Canada by Costco, Whole Foods and many more companies.

Jay stated that the new location will allow us the ability to use state of the art automation and processing equipment. We currently have 200 employees and will likely increase that number by 25% to accommodate growth. Our goal is to build a facility that will last long into the future. Our business has been a solid fixture in Lynden for many years and will continue to be for many years to come.

Scott asked if the downtown location will be closed? Jay replied, the downtown location will still be used for storage, however, the truck traffic in that area will be greatly reduced as most of the truck traffic will be now focused on the West Lynden location.

Regarding the new location, Faber asked about the disposal of the waste products that are generated during processing. How is it stored, is there any outside evidence, odor? Jay replied, there is zero evidence outside, it is 100% contained inside. Waste goes from the production line and is then frozen into block form. The waste is trucked out daily to Burlington where it is ground and sold to pet food companies. Jay stated that Alliance is a customer of theirs and will now be located next door.

There was discussion regarding wastewater and discharge. Jay stated, the new system provides a more sophisticated process, the wastewater will be much cleaner than what it is today.

Questions or Comments from the Public

- Glen Tromp, Lynden. Mr. Tromp stated that his family owns the farm just south of the proposal. Tromp expressed concern regarding stormwater and asked what the plans are to keep the water off of his property. Slagle addressed Mr. Tromp and stated that the plan is for conveyance of stormwater through a pipe into the City's West Lynden Regional Stormwater Pond. Mr. Tromp thanked Slagle for the explanation and then left the meeting.

While there were no comments from the public regarding the CUP (prior to the hearing), the City did receive comments regarding the SEPA / environmental review for this proposal. Below is a brief summary of those comments.

Whatcom County: Expressed concerns about traffic impacts of the proposal to nearby County roads and intersections (Birch Bay Lynden Road and Berthusen Road). The applicant is currently working with Transpo to produce a traffic impact assessment report that will identify any deficiencies to the local transportation system that would result from this proposal.

Northwest Clean Air Agency: Requested that the applicant confirm registration and clean air permit requirements for this proposal. Applicant will secure any required permits prior to construction.

Lummi Tribe: Reiterated the SEPA condition of having appropriate Inadvertent Discovery Protocol in place prior to ground disturbing activity.

Glen Tromp: The property owner to the south, Glen Tromp, has visited City Hall and met with Planning and Public Works staff. He requested information about the subject property's stormwater plans as it relates to potential impacts to his property.

There was brief discussion regarding stormwater options. Slagle and Gudde addressed the potential stormwater plan. A preliminary Stormwater Design Memo was submitted on October 21, 2022. The memo identifies the property soils, the project details and proposes the two options below:

Plan A, is conveyance of stormwater to the City's West Lynden Regional Stormwater Pond. Applicant must provide proof of available pipe conveyance, pond capacity and adequate allowance for this parcel's use of that capacity prior to approval of building permits.

Plan B, proposed only if applicant is not able to secure allocation to the Regional Pond, is basin diversion to the west of the parcel through existing infrastructure or with upgrades to existing infrastructure. The details of the proposed diversion will need to

be approved prior to issuance of any building permit and must meet the requirements of the Dept of Ecology Stormwater Manual.

Slagle stated that Plan A is preferred as infiltration is always the best option if possible. The applicants are looking to purchase credits from other property owners who did not use their allocated space in the pond. The goal is to secure the credits and take the water directly from the site through a pipe out to the pond.

Additional topics:

Odors: No odors

Traffic: Alderwood Road dedication and frontage improvements are required to a ¾ street standard along the south edge of this parcel.

Noise: The only producer of noise at the facility would be the mechanical and refrigeration units which are regulated in accordance with the noise codes.

Lighting: Lights will be shielded to protect light pollution to the neighbors.

Scott motion to close the public portion of the hearing. Seconded by Korthuis 6-0.

The Commission reviewed the required criteria as outlined in 19.49.020 (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. **The Commission agreed as it is consistent with the existing surrounding freezer / manufacturing uses.**
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; **The Commission agreed it would be better with the improvements to Alderwood Street as well as the installation of landscape buffers.**

- b. Noise, smoke, fumes, glare or odors generated by the proposed use; **Improvement with the use of state of the art equipment.**
 - 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. **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. **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. **Agreed.**
 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. **Brief discussion regarding improvements to Berthusen Road - once annexed into the City, improvements could be made as it will become a City Road.**
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.**

The Commission asked Slagle when the expected start date will be for the construction of the new facility? Slagle replied, Summer 2023.

Scott motioned to close the public portion of the hearing. Seconded by Brar and the motion passed 6-0.

Faber asked the Commission if there were any concerns regarding the height request of 50-feet? None. The Commissioners agreed that the request of 50-feet is lower than other buildings in the area.

No further comments from the Commissioners.

Korthuis made a motion to recommend approval to the Lynden City Council of Conditional Use Permit #22-02 for Project Zebra / Premier Packing, subject to the Technical Committee Report dated November 14, 2022, and further subject to the following conditions:

- 1. Prior to issuance of the building permit, a sewer discharge study to the city's system is required to verify impacts, treatment loads and pipe size. Be advised, this study will require 3rd party review.**
- 2. Roof-mounted condenser units must be screened from view so that this mechanical equipment is not visible from public streets.**
- 3. 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 it relates to noise and smell.**

Seconded by Scott and the motion passed 6-0.

Gudde gave an overview regarding the November 16th CDC/PC meeting regarding Community Residential Facilities. Gudde stated, if interested, the Public Safety Committee

will be holding another meeting on this topic. The meeting will be held on December 1st at 4:00 PM at the Police Department.

The next Planning Commission meeting will be held on Wednesday, December 15, 2022, at 7:00 PM.

5. ADJOURNMENT

Motion to adjourn by Korthuis at 8:15 pm. Seconded by Scott 6-0.