

# CITY OF LYNDEN

TECHNICAL REVIEW COMMITTEE  
Conditional Use Permit Application



October 15, 2021

## CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE STAFF REPORT

Re: The application of Lesa Starkenburg-Kroontje on behalf of Four "S" Investments U.S. Inc., for a Conditional Use Permit Application.

CUP #21-01 Duffner Mobile Home Park FINDINGS, CONCLUSIONS, AND RECOMMENDATION

### I. APPLICATION SUMMARY AND RECOMMENDATIONS

Proposal: The request is for a Conditional Use Permit which would allow the addition of 14 units to the existing non-conforming use of a manufactured home community (mobile home park) on a Commercially zoned property. Note that a recent code amendment allowed units to be added if approved through a Conditional Use Permit. Boundaries of the community are not permitted to expand.

Recommendation: Staff recommends addition of a maximum of 13 units and subject to very specific conditions of approval through the Conditional Use Permit.

### II. PRELIMINARY INFORMATION

Applicant: Lesa Starkenburg-Kroontje

Property Owner: Four "S" Investments U.S., Inc.

Property Location: 2010 Front Street, Lynden

Parcel Number: 4003224-502162, 400224-509149 and 400224-462156

Legal Description: See Application

Notice Information:

Application Submitted:	June 28, 2021
Notice of Application:	July 14, 2021
Notice of SEPA determination:	July 20, 2021
Notice of Hearing:	September 23, 2021

Duffner Mobile Home Park Conditional Use Permit – TRC Report

Comment Period Ending: October 20, 2021

SEPA Review: Lynden SEPA #21-10. Mitigated Determination of Non-Significance (MDNS) issued August 18, 2021

Authorizing Codes, Policies, and Plans:

- LMC Chapter 16 Environmental Policy
- LMC Chapter 17 Land Development
  - LMC Chapter 17.01.030 Definitions
  - LMC Chapter 17.09, Review and Approval Process
    - LMC Chapter 17.09.040, Planning Commission Review and Recommendation
- LMC Chapter 18 Subdivisions
  - LMC Chapter 18.22.020 Definitions
- LMC Chapter 19 Zoning Code
  - LMC Chapter 19.23.020(11) Permitted Commercial Uses
  - LMC Chapter 19.35 Nonconforming Uses
  - LMC Chapter 19.49, Conditional Use Permits
    - LMC Chapter 19.49.020, Standards and Criteria for Granting a Conditional Use Permit
- International Building Code
- City of Lynden Manual for Engineering Design and Development Standards

**III. PROJECT DESCRIPTION**

The request is for a conditional use permit to allow the expansion of the existing non-conforming use of a manufactured home community (mobile home park) on a commercially zoned property. Note that a recent code amendment allowed for additional units to be added if approved through a Conditional Use Permit. Boundaries of the community are not proposed to expand.

*LMC 19.23.020(11) "The expansion of existing, legal nonconforming mobile / manufactured home communities (MHCs) by adding addition units / pads within an existing community boundary shall be permitted only with an approved Conditional Use Permit (CUP). Approval of the CUP may be conditioned on meeting setbacks, providing buffers, and other appropriate design standards for MHCs. Connecting all units to City utilities is required. This is Conditional Use is applicable only within the CSR zone."*

## Duffner Mobile Home Park Conditional Use Permit – TRC Report

The subject property is located on the north side of Front Street near the intersection of Front Street and the Guide Meridian. The 32-unit manufactured home community (MHC) is commonly known as the Duffner Mobile Home Park. Its boundaries encompass 4 different parcels with a westerly parcel which currently include 2 additional homes for a total of 34 existing residences.

This MHC is considered a non-conforming use because the underlying property is zoned for commercial uses, specifically Commercial Services – Regional (CSR). However, this use was in place when the property was annexed into the City and therefore allowed to continue operation. Non-conforming uses are generally not permitted to expand or increase in intensity. However, recognizing the value of having affordable housing options which provides workforce housing to ag and industrial industries in the Lynden area, the City Council approved a code amendment which now allows some expansion. Specifically, MHCs located within CSR zoned properties may intensify (add units) if permitted through a Conditional Use Permit.

The pending proposal requests the addition of 14 units. New units would be mostly clustered at center of the property with several other units added throughout. The applicant has acknowledged the need to establish frontage improvements in the form of landscape buffers, additional community lighting, critical area protection, and street improvements.

#### **IV. PUBLIC NOTICE AND COMMENT**

Notice of Application: Formal legal notice for this application was published in the Lynden Tribune on October 6, 2021.

Notice of SEPA determination: Formal notice of the SEPA Determination (MDNS) was published in the Lynden Tribune on September 22, 2021 and mailed to neighbors within 300 ft of the property. The comment period for the SEPA determination expired on August 4, 2021.

Public Comment Received:

No written public comments were submitted in response to this Conditional Use Permit application or the SEPA notice.



## **V. ANALYSIS AND CONSISTENCY WITH REGULATIONS**

The application is reviewed in accordance with the LMC 19.49.020 and the criteria listed for land use application review in LMC 17.09.040(C) “Planning Commission Review and Recommendation; Required Findings”.

A. Certain uses may be allowed by a CUP granted by the City Council, after it receives a recommendation of the Planning Commission. The Planning Commission shall issue its recommendation after a public hearing on the CUP application. In the application and during the hearing process, it shall be clearly shown by the applicant that the proposed use is not detrimental to the surrounding area or a liability to adjacent uses. For the purpose of this review, the surrounding area, or neighborhood, means those parcels that are in close proximity to the subject parcel.

B. An application for a CUP may be made only for those uses specified under the conditional use section of the appropriate zoning district.

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.
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;
  - b. Noise, smoke, fumes, glare or odors generated by the proposed use;
  - c. Building and site design; and
  - d. The physical characteristics of the subject property.



Duffner Mobile Home Park Conditional Use Permit – TRC Report

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

## **VI. TECHNICAL REVIEW COMMITTEE COMMENTS**

### Planning and Development Department

- *CUP Criteria:* Staff acknowledges that the applicant has provided responses to LMC Chapter 19.49 regarding standards and criteria for granting a Conditional Use Permit. Subsequent to application submission the applicant was asked to elaborate on Criteria #4 and #7.

Criteria 4 relates to impacts to traffic. Staff agreed that additional traffic will not decrease the level of service (LOS) below standards outlined in the Comprehensive Plan but has concerns about how additional units will be accessing Front Street. In response the applicant has agreed to close the most eastern access point and relocate one of the existing internal access points further to the west to line up with Duffner Drive to the south.

Criteria 7 relates to detriment to natural, scenic or historic feature of major importance. Site conditions of the western and northwestern property line of Duffner

## Duffner Mobile Home Park Conditional Use Permit – TRC Report

MHP are poor. This bank of Duffner Creek includes litter and other refuse. As a result the applicant has agreed to implement the following protections:

- a. All trash and debris will be removed from the bank area at, or prior to the time of granting this CUP
  - b. Fencing or a vegetated deterrent will be installed near the top of the bank to deter close access.
  - c. All water will be routed away from the bank.
  - d. Vegetation will be incorporated to minimize erosion.
- *Critical Areas:* The “ditch” noted on the west side of the property is part of Duffner Creek and classified as a critical area. Note that the ordinary highwater mark (OHW) on the Duffer Creek and associated 100-foot buffer must be delineated by a registered surveyor and included on the record of survey before any homes can be placed in this area. The final location of the critical area buffer of 100-feet may impact the ability of the property owner to place homes along the western property line. The applicant subsequently provided a site plan that includes the OHWM.
  - *Landscape Buffer and Screening:* An improved appearance of the Duffner MHP including the addition of a landscape buffer is an important component to staff support of the Conditional Use Permit. For comparison, the City’s standard for the layout of new manufactured home communities, as described in LMC 18.22, requires a Type V landscape buffer 30 feet in width (see LMC 19.61.070 for landscape buffer types). The applicant has initially provided information which indicates that a row of Excelsa Cedar will be used as a hedge along the Front Street sidewalk and portions of the western property line. Staff noted concerns with this plan. As a result, Kevin Vander Veen, agent for the property owner, has worked with staff to develop an alternate plan.
  - *Community Signage:* The existing sign for the community is in poor condition. The applicant has agreed to replace community signage with an illuminated sign that meets the City’s sign code.
  - *Building and Siting Requirements:* The applicant has been advised that building permits are required for every new home placed on this site or the alteration of existing units. All buildings must meet the building code standards including spacing requirements regardless of the unit count presumed with the CUP proposal.
  - *Unit Count:* The applicant has acknowledged that a maximum unit count will be established as a condition of the CUP. These units shall be shown/designated on the record of survey. This total should be noted after the required revisions to the site are completed as noted in this staff report.



### **Public Works Department**

- *Access Points:* The site plan originally submitted with the application appeared to suggest the continued use of 5 or 6 driveway cuts accessing Front Street. The resulting spacing of these cuts exceeded what is permitted by the City's Engineering and Design Standards. Staff does not support the continued use of the driveway cut accessing the center of the community. The applicant has agreed to eliminate the eastern access point as well as shift one access point from the center of the frontage to align with Duffner Drive.
- *Sewer Extension and Easement:* Applicant will be required to provide evidence of the final recorded sewer easement. The public sewer easement must be extended to the north property line and depicted on the record of survey.
- *Decommissioning of Septic:* Applicant will be required to provide evidence that all septic systems have been decommissioned meeting Whatcom County standards since connecting to City sewer service.
- *Stormwater Infrastructure:* Applicant has been advised that the site is located within the West Lynden Regional storm water facility which could be utilized as part of the required stormwater report. The pond facility provides primary treatment only and detention for 85% parcel impervious. Depending on use, additional onsite treatment, and detention may be needed.
- *Utilities - Water:* The applicant has been advised that water hookup fees shall be paid per mobile home unit. Additionally, if future structure increases/changes demand for water, studies may be required to see if impacts to the City system require remediation. Applicant must demonstrate the capacity of the existing service line prior to water connection.
- *Utilities - Sanitary Sewer:* Applicant has been advised regarding sanitary sewer connection fees. Additionally, if future structure increases/changes sewer discharge quantity and/or concentration studies may be required to see if impacts to the City system require remediation.
- *Easement:* Sewer easement to be recorded providing for sewer main extension from Front Street to northern property line for the extensions to the proposed units. The trunk main easement to be stubbed to the north must be 20 feet in width, recorded, and shown on the record of survey.



Duffner Mobile Home Park Conditional Use Permit – TRC Report

- *ROW Improvements:* Applicant has been informed that participation in Front Street improvements is required as per the recorded agreement filed under Whatcom County Auditor's File Number #2070202655.

Fire Department

- *Addressing:* The applicant has acknowledged that prior to issuance of the first building permit for the first unit, the addressing in the park must be reviewed on site by a representative of the Lynden Fire Department or Police Department to ensure that homes within the community are appropriately addressed. Improvements must include a consistent and highly visible numbering of each unit.
- *Hydrants:* The applicant has acknowledged that additional hydrants may need to be installed to meet required 300-foot clear access spacing between hydrants. Complete *Fire review will occur at the time of building permit.*
- *Site Lighting:* The applicant has agreed that in order to provide a safer environment, interior street lighting must be installed prior to issuance of the first building permit. The site lighting plan must be reviewed and approved by the Public Works Department.

Parks Department – had no comments on this application.

**VII. RECOMMENDATION**

Based on the above findings, Staff recommends approval of the Conditional Use Permit subject to the following conditions:

- 1) Final unit count to be limited to 47 residential units. This represents the addition of 13 units. Units 33-41, and 43, as shown on the proposed plan, as well as the addition of 2082, 2084, and 2086 East Front St units. Staff does not support the addition of proposed unit #42. This unit would be disconnected from the community and highly exposed to the intersection of the Guide Meridian and Front Street. It is not an appropriate location for a home.
- 2) Install landscape buffer that includes hedging, groundcover along street frontage to provide community privacy and visual screening as well as flowering shrubs at community entrances. Landscape material to meet applicable size and quality

Duffner Mobile Home Park Conditional Use Permit – TRC Report

standards described in LMC 19.61. Streetscape plan developed with staff (attached) to be considered the minimum standard for street buffering.

- 3) Continue the installation of a hedge buffer / landscaping along east boundary where unit #42 was proposed.
- 4) Discontinue use of the eastern most access point (previously used by Scholten's Equipment).
- 5) As indicated on the site plan, relocate central access point to align with Duffner Drive. Proposed site plan does not appear to be aligned with Duffner consistent with safety standards. Location of access to be approved by the Public Works Department. This may alter the location of proposed units. All construction within the right-of-way to meet City standard and bonded according to City requirements. Encroachment permit required.
- 6) Fence (such as split rail) or hedge installed at top of bank along Duffner Creek unless otherwise approved by the Planning Department. This is to deter degradation of the critical area. No construction, sheds, or units placed within the critical area buffer of Duffner Creek. Fence installation required prior to issuance of building permits for units 34-47.
- 7) All trash and debris must be removed from the Duffner Creek bank prior to unit addition.
- 8) All stormwater drained away from bank of Duffner Creek. Stormwater plan required for proposed new pavement.
- 9) Vegetation planted to minimize erosion along the bank. Provide planting plan prior to issuance of building permits for units 34-47.
- 10) Lighting and addressing within the community required. To be installed prior to issuance of building permits for units 34-47. Final design must meet the approval of the Lynden Fire Department and Public Works Department.
- 11) Community sign(s) must be replaced at the time of landscape improvements.
- 12) Sewer easement recorded prior to building permits for units 34-47.
- 13) Provide evidence of decommission of on-site septic systems prior to issuance of building permits for units 34-47.

Duffner Mobile Home Park Conditional Use Permit – TRC Report

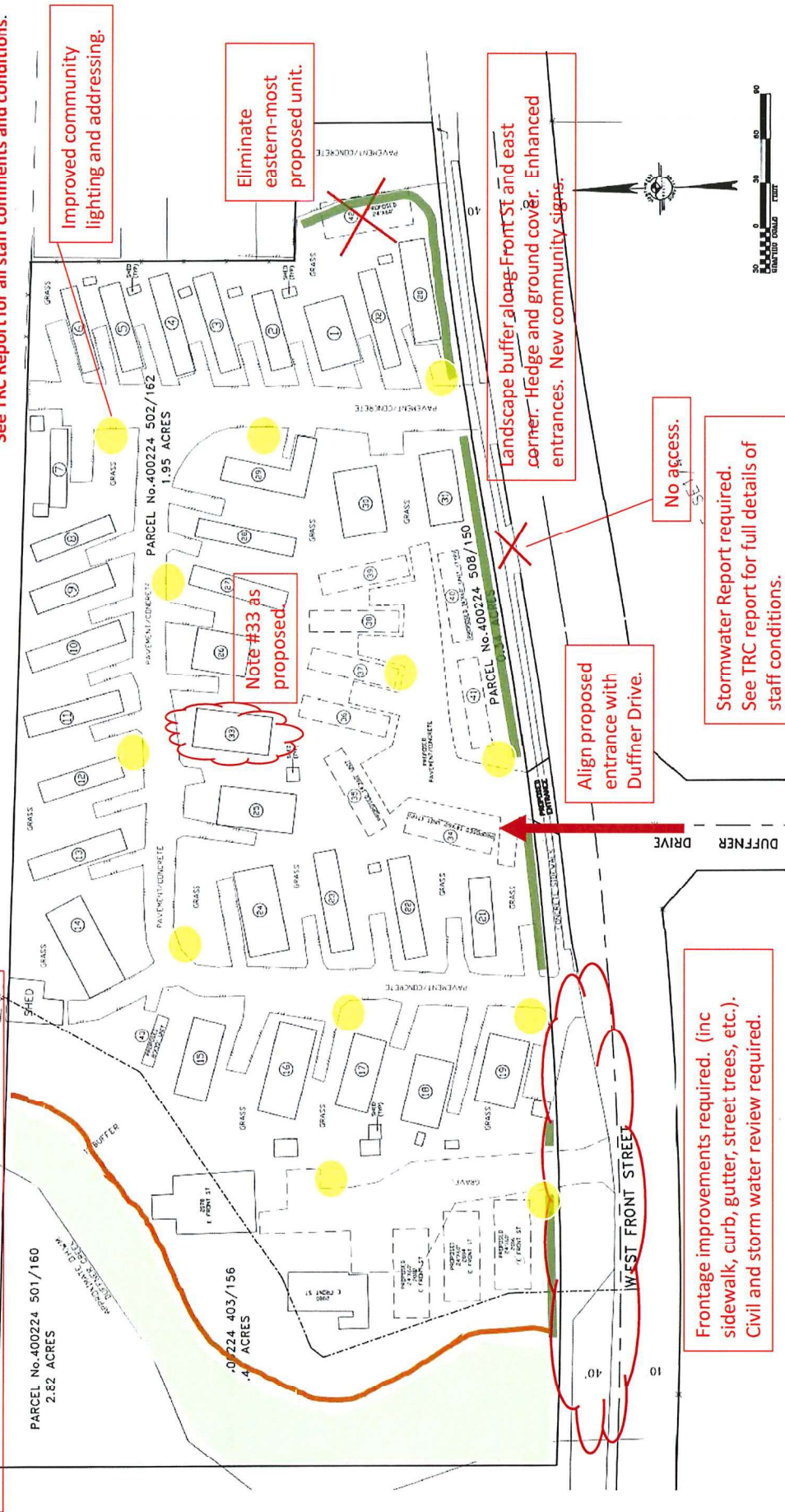
- 14) Provide stormwater report and fill and grade permit for new paved areas. This is required prior to commencement of work and prior to issuance of building permits for units 34-47.
- 15) A 12-inch water line shall be installed to the north property line per City standards and as-built drawings provided to the City prior to the issuance of a building permit for any additional unit placement unless an alternate agreement is reached with the Public Works Department.
- 16) ROW improvements as required per recorded agreement filed under Whatcom County Auditor's File Number #2070202655. Plan review, approval and improvement construction required prior to issuance of building permits for units 34-47.
- 17) Installation of fire hydrants as required by the Fire Chief prior to issuance of building permits for units 34-47.
- 18) The requirements and conditions listed by the Technical Review Committee in Section VI of this report are included in this recommendation.
- 19) Issuance of this Conditional Use Permit does not release the applicant from any other Local, State, or Federal statutes or regulations applicable to the proposed development.



Technical Review Committee – Required and Recommended Conditions Exhibit 10-4-2021

See TRC Report for all staff comments and conditions.

Split rail fence and critical area signs at top of bank. Clean up of refuse. Erosion control planting on creek bank.





# CITY OF LYNDEN



## TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	July 29, 2021
Project Name:	CUP #21-01, Duffner Mobile Home Park
Applicant:	Lesa Starkenburg-Kroontje
Property Owner:	Four "S" Investments U.S., Inc.
Site Address:	2010 Front Street, Lynden
Parcel Number	4003224-502162, 400224-509149 and 400224-462156
Zoning Designation:	CSR
Application Type:	Conditional Use Permit (CUP)
Parcel Size:	N/A
Hearing Type:	Quasi-Judicial
Hearing Objective:	The objective of this public hearing is to determine whether the proposed Conditional Use Permit meets the criteria found within Section 19.49.020 of the Lynden Municipal Code.
Date application determined complete:	June 28, 2021
Date of Publication:	July 14, 2021
SEPA Determination:	July 20, 2021
Project Description:	The applicant is requesting a conditional use permit to allow additional mobile units to infill areas within the existing park. Up to 14 new sites will be prepared.

### **Notification Requirements:**

The applicant submitted a complete Conditional Use Permit application on May 26, 2021, which was subsequently reviewed by staff. The City also received proof of public notices via certified mailing and the affidavit of posting in accordance with the City's requirements.



## **Project Summary:**

The subject property is zoned Regional Commercial Services (CSR)

The Duffner Mobile Home Park was recently able to connect to City sewer services and decommission aging septic systems. This available connection has also initiated the applicant's opportunity to request additional housing units be placed on the property as each would be able to connect to sewer services.

In February 2021, Council approved Ord 1616 permitting the expansion of the nonconforming use of a mobile home park within the Commercial Services-Regional (CSR) Zoning category only as a conditional use and subject to appropriate setback and buffering requirements that may result as a review of the conditional use permit application.

**Applicant – Please provide written responses to staff comments below and revised information as requested. Advisory comments should be noted as acknowledged or understood. Note that without revised information the application may not be able to proceed to public hearing or could proceed without a staff recommendation for approval.**

## **Planning Department Comments:**

*Site Plan and Survey of Record:* Staff found that the site plan provided was not scaled or proportioned consistent with the actual layout of the community. For example, many lots are shown as square but are actually long and narrow. Before the application can move forward to the Planning Commission hearing, a more accurate depiction of the park layout will be required. Additionally, prior to the installation of any new unit the property owner must submit to staff a record of survey for review of the following items. The record of survey must also be recorded prior to the issuance of a permit to add units. In the meantime, the application site plan must include:

- i. Continuation of the lot numbering system so that each unit is numbered on the plan. Also, include existing pad numbers or addresses as available.
- ii. Proportionate depiction of existing home sites.
- iii. Accurate depiction of the property line in relation to the sidewalk and street.
- iv. Staff is aware of the fact that the park is made up of multiple parcel lines. Please show parcel lines and parcel numbers on the site plan. This shall include any additional parcel numbers above the number of lots.
- v. Indication of existing and proposed surfaces, for example "asphalt" internal road, "landscaped" or "grass" common area. The proposed site plan currently includes some areas that are unlabeled and probably disproportionately depicted. Please revise.

2. *CUP Criteria:* Staff acknowledges that the applicant has provided responses to LMC Chapter 19.49 regarding standards and criteria for granting a Conditional Use Permit. Before the application can move forward to the Planning Commission hearing please provide written responses which elaborate on Criteria #4 and #7.

Criteria 4 relates to impacts to traffic. While staff agrees that additional traffic will not decrease the level of service (LOS) below standards outlined in the Comprehensive Plan, please address how additional units will be accessing Front Street. See also Public Works staff comments related to access points.

Criteria 7 relates to detriment to natural, scenic or historic feature of major importance. Please address this criteria as it relates to Duffner Creek critical area. Site conditions of the western and northwestern property line of Duffner MHP are poor. This bank of Duffner Creek includes litter and other refuse. Additional housing units in this vicinity are not likely to improve this condition. Please address.

3. *Critical Areas:* The “ditch” noted on the west side of the property is part of Duffner Creek and classified as a critical area. Staff acknowledges that the applicant has filed a SEPA checklist and supporting information for the project. Additional information can be found in SEPA file # 21-10. Note that the ordinary highwater mark on the Duffer Creek and associated 100-foot buffer must be delineated by a registered surveyor and included on the record of survey before any homes can be placed in this area. The final location of the critical area buffer of 100-feet may impact the ability of the property owner to place homes along the western property line.
4. *Landscape Buffer and Screening:* An improved appearance of the Duffner MHP including the addition of a landscape buffer is an important component to staff support of the Conditional Use Permit. For comparison, the City’s standard for the layout of new manufactured home communities, as described in LMC 18.22, requires a Type V landscape buffer 30 feet in width (see LMC 19.61.070 for landscape buffer types). The applicant has provided information which indicates that a row of Excelsa Cedar will be used as a hedge along the Front Street sidewalk and portions of the western property line. Before the application can move forward to the Planning Commission hearing, provide to staff a revised detailed landscape plan which accurately shows the property line in relation to the public sidewalk and street and addresses the following concerns:
  - a. Excelsa Cedar (or similar Cedar species) will grow too large for the space provided and are not appropriate to be placed so close to a public sidewalk. Note also that the property line lies north of the public sidewalk.
  - b. Smaller landscape material such as small shrubs and ground covers must be provided at the entrances so as not to block the view of drivers pulling out onto Front Street. Staff recommends the use of attractive landscape materials here to enhance the communities entrance points.



- c. Western property line likely falls with a critical area or critical area buffer. Any planting here must be species which are native to the region and, prior to planting, reviewed for potential impacts to the critical area.
  - d. Show existing street trees on the revised landscape plan. Replace street trees which are missing or damaged.
5. *Community Signage:* The existing sign for the community is in poor condition. Staff recommends that a new sign meeting current standards/codes with street addressing clearly illuminated, be a condition of approval for the CUP and incorporated into the landscape plan for the Front Street frontage. Sign must meet code standards delineated in LMC 19.33. Show location on the revised landscape plan.
6. *Building and Siting Requirements:* Be advised, building permits are required for every new home placed on this site or the alteration of existing units. All buildings must meet the building code standards including spacing requirements regardless of the unit count presumed with the CUP proposal.
7. *Unit Count:* Staff recommends that a maximum unit count be established as a condition of the CUP. These units shall be shown/designated on the record of survey. This total should be noted after the required revisions to the site are completed as noted in this staff report.

### **Public Works Department**

8. *Access Points:* Site plan appears to suggest the continued use of 5 or 6 driveway cuts accessing Front Street. The resulting spacing of these cuts exceeds what is permitted by the City's current Engineering and Design Standards. Staff does not support the continued use of the driveway cut accessing the center of the community. This access point must be eliminated and the central core of the park accessed internally.
9. *Sewer Extension and Easement:* Provide evidence of the final recorded sewer easement. The public sewer shall be extended to the north property line per City standards. This must have a 20 foot utility easement on it and depicted on the record of survey.
10. *Decommissioning of Septic:* Provide evidence that all septic systems have been decommissioned meeting Whatcom County standards since connecting to City sewer service.
11. *Stormwater Infrastructure:* Site is located within the West Lynden Regional storm water facility. Facility provides primary treatment only and detention for 85% parcel impervious. Depending on use, additional onsite treatment, and detention may be needed.



8. *Utilities - Water:* Water hookup fees shall be paid per mobile home unit. Fees are established by City Code. Please contact the Building Division for a fee estimate. Be advised, if future structure increases/changes demand for water, studies may be required to see if impacts to the City system require remediation. Applicant must demonstrate the capacity of the existing service line prior to water connection.
12. *Utilities - Sanitary Sewer:* Fees are established by City Code. Please contact the Building Division for a fee estimate. Be advised, if future structure increases/changes sewer discharge quantity and/or concentration studies may be required to see if impacts to the City system require remediation.
13. *Water:* A 12-inch water line shall be installed to the north property line per City standards and as-built drawings provided to the City prior to the issuance of a building permit for any additional unit placement.
14. *Easement:* Sewer easement to be recorded providing for sewer main extension from Front Street to northern property line for the extensions to the proposed units. The trunk main easement to be stubbed to the north must be 20 feet in width, recorded, and shown on the record of survey.
15. *ROW Improvements:* Participation in Front Street improvements is required as per the recorded agreement filed under Whatcom County Auditor's File Number #2070202655.

### **Fire and Life Safety**

16. *Hydrants Required:* Additional hydrants may need to be installed to meet required 300-foot clear access spacing between hydrants. Complete Fire review will occur at the time of building permit.
17. *Addressing:* Prior to issuance of the first building permit for the first unit, the addressing in the park must be reviewed on site by a representative of the Lynden Fire Department or Police Department to ensure that homes within the community are appropriately addressed. Improvements must include a consistent and highly visible numbering of each unit.
18. *Site Lighting:* To provide a safer environment, interior street lighting must be installed prior to issuance of the first building permit. The site lighting plan must be reviewed and approved by the Public Works Department.

### **Parks and Recreation**

19. The Parks Department has reviewed the application and has no comment.

All of the access points noted on the site plan are existing access points. As a result of the additional traffic that will access the site from the new homes the applicant is willing to close the most eastern access point. In addition, the applicant is willing to relocate the "internal" access point further to the west to line up with the Duffner Drive to the south. The applicant is willing to discuss this at the TRC.

Criteria 7 relates to detriment to natural, scenic or historic feature of major importance. Please address this criteria as it relates to Duffner Creek critical area. Site conditions of the western and northwestern property line of Duffner MHP are poor. This bank of Duffner Creek includes litter and other refuse. Additional housing units in this vicinity are not likely to improve this condition. Please address.

The City of Lynden does note the presence of Duffner Creek at the northwestern portion of the site. This natural feature will not be altered by this permit request. To further enhance and protect this feature the following protections will be implemented.

- a. All trash and debris will be removed from the bank area at, or prior to the time of the granting of this CUP.
- b. Fencing or a vegetated deterrent will be installed near the top of the bank to deter close access.
- c. All water will be routed away from the bank.
- d. Vegetation will be incorporated to minimize erosion.

3. **Critical Areas:** The "ditch" noted on the west side of the property is part of Duffner Creek and classified as a critical area. Staff acknowledges that the applicant has filed a SEPA checklist and supporting information for the project. Additional information can be found in SEPA file # 21-10. Note that the ordinary highwater mark on the Duffer Creek and associated 100-foot buffer must be delineated by a registered surveyor and included on the record of survey before any homes can be placed in this area. The final location of the critical area buffer of 100-feet may impact the ability of the property owner to place homes along the western property line.

The surveyor will note the OHWM on the record of survey.

4. **Landscape Buffer and Screening:** An improved appearance of the Duffner MHP including the addition of a landscape buffer is an important component to staff support of the Conditional Use Permit. For comparison, the City's standard for the layout of new manufactured home communities, as described in LMC 18.22, requires a Type V landscape buffer 30 feet in width (see LMC 19.61.070 for landscape buffer types). The applicant has provided information which indicates that a row of Excelsa Cedar will be used as a hedge along the Front Street sidewalk and portions of the western property line. Before the application can move forward to the Planning Commission hearing, provide to staff a revised detailed landscape plan which accurately shows the property line in relation to the public sidewalk and street and addresses the following concerns:



- a. Excelsa Cedar (or similar Cedar species) will grow too large for the space provided and are not appropriate to be placed so close to a public sidewalk. Note also that the property line lies north of the public sidewalk.
  - b. Smaller landscape material such as small shrubs and ground covers must be provided at the entrances so as not to block the view of drivers pulling out onto Front Street. Staff recommends the use of attractive landscape materials here to enhance the communities entrance points.
  - c. Western property line likely falls with a critical area or critical area buffer. Any planting here must be species which are native to the region and, prior to planting, reviewed for potential impacts to the critical area.
  - d. Show existing street trees on the revised landscape plan. Replace street trees which are missing or damaged.
5. *Community Signage:* The existing sign for the community is in poor condition. Staff recommends that a new sign meeting current standards/codes with street addressing clearly illuminated, be a condition of approval for the CUP and incorporated into the landscape plan for the Front Street frontage. Sign must meet code standards delineated in LMC 19.33. Show location on the revised landscape plan.

*The applicant will design a new sign to incorporate into the park at the time of the first building permit.*

6. *Building and Siting Requirements:* Be advised, building permits are required for every new home placed on this site or the alteration of existing units. All buildings must meet the building code standards including spacing requirements regardless of the unit count presumed with the CUP proposal.
7. *Unit Count:* Staff recommends that a maximum unit count be established as a condition of the CUP. These units shall be shown/designated on the record of survey. This total should be noted after the required revisions to the site are completed as noted in this staff report.

*The applicant agrees to this recommendation.*

### **Public Works Department**

8. *Access Points:* Site plan appears to suggest the continued use of 5 or 6 driveway cuts accessing Front Street. The resulting spacing of these cuts exceeds what is permitted by the City's current Engineering and Design Standards. Staff does not support the continued use of the driveway cut accessing the center of the



community. This access point must be eliminated and the central core of the park accessed internally.

*The applicant would like to discuss this at the TRC.*

*Sewer Extension and Easement:* Provide evidence of the final recorded sewer easement. The public sewer shall be extended to the north property line per City standards. This must have a 20 foot utility easement on it and depicted on the record of survey.

*The applicant would like to discuss this at the TRC.*

9. *Decommissioning of Septic:* Provide evidence that all septic systems have been decommissioned meeting Whatcom County standards since connecting to City sewer service.
10. *Stormwater Infrastructure:* Site is located within the West Lynden Regional storm water facility. Facility provides primary treatment only and detention for 85% parcel impervious. Depending on use, additional onsite treatment, and detention may be needed.
8. *Utilities - Water:* Water hookup fees shall be paid per mobile home unit. Fees are established by City Code. Please contact the Building Division for a fee estimate. Be advised, if future structure increases/changes demand for water, studies may be required to see if impacts to the City system require remediation. Applicant must demonstrate the capacity of the existing service line prior to water connection.
11. *Utilities - Sanitary Sewer:* Fees are established by City Code. Please contact the Building Division for a fee estimate. Be advised, if future structure increases/changes sewer discharge quantity and/or concentration studies may be required to see if impacts to the City system require remediation.
12. *Water:* A 12-inch water line shall be installed to the north property line per City standards and as-built drawings provided to the City prior to the issuance of a building permit for any additional unit placement.

*The applicant would like to discuss this at the TRC.*

13. *Easement:* Sewer easement to be recorded providing for sewer main extension from Front Street to northern property line for the extensions to the proposed units. The trunk main easement to be stubbed to the north must be 20 feet in width, recorded, and shown on the record of survey.

*The applicant would like to discuss this at the TRC – the applicant will grant an easement but the new units will likely connect to the existing lines that are not within the proposed easement.*

14. *ROW Improvements:* Participation in Front Street improvements is required as per the recorded agreement filed under Whatcom County Auditor's File Number #2070202655.

*The applicant would like to discuss this at the TRC.*

### **Fire and Life Safety**

15. *Hydrants Required:* Additional hydrants may need to be installed to meet required 300-foot clear access spacing between hydrants. Complete Fire review will occur at the time of building permit.
16. *Addressing:* Prior to issuance of the first building permit for the first unit, the addressing in the park must be reviewed on site by a representative of the Lynden Fire Department or Police Department to ensure that homes within the community are appropriately addressed. Improvements must include a consistent and highly visible numbering of each unit.

*The applicant agrees to this requirement.*

17. *Site Lighting:* To provide a safer environment, interior street lighting must be installed prior to issuance of the first building permit. The site lighting plan must be reviewed and approved by the Public Works Department.

*The applicant agrees to this requirement.*

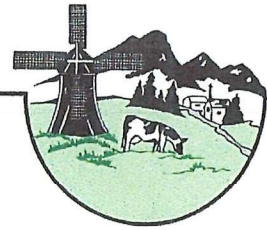
### **Parks and Recreation**

18. The Parks Department has reviewed the application and has no comment.









## Planning Department Comments:

*Site Plan and Survey of Record:* Staff found that the site plan provided was not scaled or proportioned consistent with the actual layout of the community. For example, many lots are shown as square but are actually long and narrow. Before the application can move forward to the Planning Commission hearing, a more accurate depiction of the park layout will be required. Additionally, prior to the installation of any new unit the property owner must submit to staff a record of survey for review of the following items. The record of survey must also be recorded prior to the issuance of a permit to add units. In the meantime, the application site plan must include:

- i. Continuation of the lot numbering system so that each unit is numbered on the plan. Also, include existing pad numbers or addresses as available.
- ii. Proportionate depiction of existing home sites.
- iii. Accurate depiction of the property line in relation to the sidewalk and street.
- iv. Staff is aware of the fact that the park is made up of multiple parcel lines. Please show parcel lines and parcel numbers on the site plan. This shall include any additional parcel numbers above the number of lots.
- v. Indication of existing and proposed surfaces, for example "asphalt" internal road, "landscaped" or "grass" common area. The proposed site plan currently includes some areas that are unlabeled and probably disproportionately depicted. Please revise.

*The applicant has requested that their surveyor provide a base site map that can then be incorporated into a survey to be filed following the granting of the conditional use permit.*

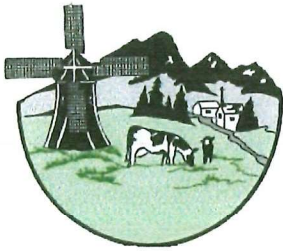
2. *CUP Criteria:* Staff acknowledges that the applicant has provided responses to LMC Chapter 19.49 regarding standards and criteria for granting a Conditional Use Permit. Before the application can move forward to the Planning Commission hearing please provide written responses which elaborate on Criteria #4 and #7.

Criteria 4 relates to impacts to traffic. While staff agrees that additional traffic will not decrease the level of service (LOS) below standards outlined in the Comprehensive Plan, please address how additional units will be accessing Front Street. See also Public Works staff comments related to access points.









# City of Lynden

## Conditional Use Permit Application

### General Information:

#### Property Owner

Name: Four 'S' Investments U.S., Inc.  
 Address: 7062 Guide Meridian, Lynden WA 98264  
 Telephone Number: 604-835-6696 Fax Number: N/A  
 E-mail Address: sangha275@hotmail.com

#### Applicant (Agent, Land Surveyor or Engineer)

Name: Lesla Starkenburg-Kroontje  
 Address: PO Box 231, Lynden WA 98264  
 Telephone Number: 360-354-7822 Fax Number: 360-354-6929  
 E-mail Address: starkenburgkroontje@msn.com

Who is the primary contact for this project? This person will receive all official correspondence for the project. Property owner  Applicant

#### Property Information

Project Location (street address / block range): 2010 Front Street, Lynden WA  
 Legal Description (attach if necessary): See attached  
 Assessor's Parcel Number: 400224502162, 400224509149 & 400224462156 Zoning Designation: CSR  
 Parcel Square Footage: 6.52 acres Property Dimensions: \_\_\_\_\_  
 Applicable Sub-Area: West Lynden Building/Structure Size: N/A  
 Height of Structure: N/A Addition Size: \_\_\_\_\_  
N/A

**Please describe request in detail:**

**~~CUP~~ Criteria must be attached**

SEE ATTACHED

BY SIGNING THIS APPLICATION, I CERTIFY THAT ALL THE INFORMATION SUBMITTED IS TRUE AND CORRECT. I ALSO UNDERSTAND THAT NO FINAL APPROVAL WILL BE ISSUED UNTIL ALL FINAL REVIEW COSTS ARE PAID IN FULL.

SUBMITTED BY: Lesla Starkenburg DATE: 5/22/21  
 PROPERTY OWNER SIGNATURE: [Signature] DATE: 5/22/21  
 PROPERTY OWNER PRINTED NAME: 4 "S" Investments US Inc DATE: 5/22/21

This proposal will allow additional mobile home units to infill areas within the Duffner Mobile Home Park. Up to 14 new sites will be prepared. All sites will be connected to public utilities. The access points will be to West Front Street through existing access points. Trees and a landscape buffer will be placed along West Front Street.



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 property has been operating as a mobile home park for decades. This proposal merely adds in additional units to vacant spots within the park. As each unit is added in a building permit will be issued. There will be minimal impact to any adjoining neighbor.
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:
  - i) traffic and pedestrian circulation,  
The traffic pattern for the existing park is well established and will not be altered by this proposal.
  - ii) noise, smoke, fumes, glare or odors generated by the proposed use,  
There will not be a noticeable increase in any impact.
  - iii) building and site design,  
A building permit will be issued for each unit located in the park.
  - iv) the physical characteristics of the subject property  
There will be no noticeable change to the property.
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; and  
There are adequate public facilities and services unless conditions.
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.  
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.
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.  
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.
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.  
The surrounding uses are high intensity commercial type uses that will have little impact from this proposal.
7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance.  
There are no natural, scenic or historic feature of major importance.

8. The proposed use is generally consistent with the purposes and objectives of the City Comprehensive Plan and applicable Sub-Area Plan.

The Lynden City Council just recently agreed that a text amendment, authorizing the expansion of the non-conforming mobile home park was consistent with the Comprehensive Plan.



**Excerpts from Chapter 19.49 of the Lynden Municipal Code**  
**Standards and criteria for granting a CUP**

- A. Certain uses may be allowed by a CUP granted by the City Council, after it receives the recommendation of the Planning Commission. The Planning Commission shall issue its recommendation after a public hearing on the CUP application. In the application and during the hearing process, it shall be clearly shown by the applicant that the proposed use is not detrimental to the surrounding area or a liability to adjacent uses. For the purpose of this ordinance, the surrounding area, or neighborhood, means those parcels that are in close proximity to the subject parcel.
- B. An application for a CUP may be made only for those uses specified under the conditional use section of the appropriate zoning district.
- 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;
  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:
    - i) traffic and pedestrian circulation,
    - ii) noise, smoke, fumes, glare or odors generated by the proposed use,
    - iii) building and site design,
    - iv) the physical characteristics of the subject property
  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; and
  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.
  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.
  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.
  7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance.
  8. The proposed use is generally consistent with the purposes and objectives of the City Comprehensive Plan and applicable Sub-Area Plan.

See Attached



Front ST

WEST

Front ST

East

Ditch

Schoffen Equip.

Equip.

Schoffen

GUIDE MERIDIAN RD



560-312-4217 - Brent

JRT

Nursery

Hedging Availability	Size	Available	Price
----------------------	------	-----------	-------

1  
3 High  
Plants

Thuja plicata 'Northern Spire'	#2	4,000	\$8.70
--------------------------------	----	-------	--------

Thuja plicata 'Excelsa'	#2	5,000	\$8.70
-------------------------	----	-------	--------

We will plant them  $2\frac{1}{2}$ ' apart

For nice cedar hedge along front ST + where ever else recommended. Norm Sangha

604 835 6696

RECEIVED

JUN 29 2021

City of Lynden  
Planning Department

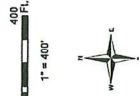
RECEIVED

JUN 29 2021

City of Lynden  
Planning Department

TOWNSHIP: 40  
 RANGE: 02  
 SECTION: 24  
 MAP NO.: 01

KEY MAP:			
14	13	18	
23	24	19	
26	25	30	



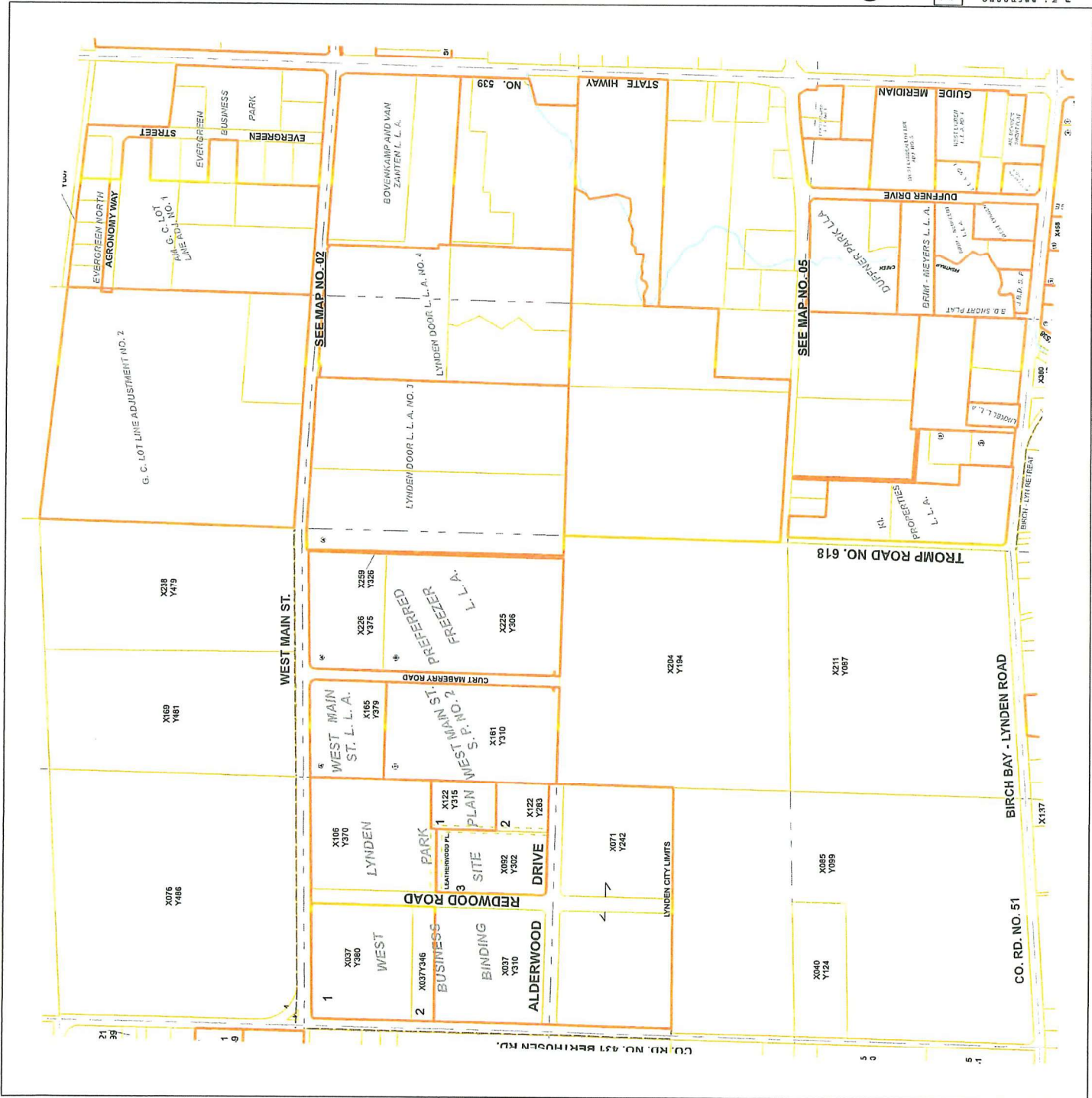
	Tax Parcels
	Plats
	Lots
	Section Lines
	Qtr. Section Lines
	City Limits
	Annexations
	Railroads
	Pipelines
	Waterlines
	Waterbodies*

Whatcom County Assessor's Office  
 Mar. 29, 2021

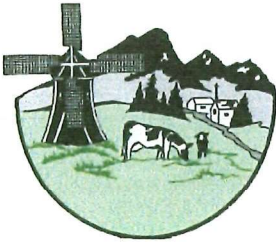
This map is for assistance in property location and not guaranteed for accurate measurements.

Copyright: The Public Map(s) (S) are a 1:48000 scale map derived from a combination of the Township, Range and Section, plus the XY coordinates of the corners of the section. The map data has been derived from the original plat bearing names. This bearing names are shown on the map as the primary parcel, such as a school unit, or a small farm.

For information on reader maps, visit our website: [whatcomcounty.us/177Assessor](http://whatcomcounty.us/177Assessor)







# City of Lynden

## Critical Areas Checklist

400224 502162  
400224 509149  
400224 462156

Section: 24 Township: 40N Range: 02E Parcel Number: 400224 502162

Site Address: 2010 Front Street, Lynden WA


Proposed Uses: expansion of mobile home park

Please answer the following questions concerning Critical Area indicators *located on or within 200-feet of the project area:*

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, please attach a list of document titles).  
 Yes  No  Unknown
- b. Are there any surface waters (including year-round and seasonal streams, lakes, ponds, swamps)?  
 Yes  No  Unknown
- c. Is there vegetation that is associated with wetlands?  
 Yes  No  Unknown
- d. Have any wetlands been identified?  
 Yes  No  Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?  
 Yes  No  Unknown
- f. Are there any State or Federally listed sensitive, endangered, or threatened species and habitats?  
 Yes  No  Unknown
- g. Are there slopes of 15% or greater?  
 Yes  No  Unknown
- h. Is the project located within a Flood Hazard Zone?  
 Yes  No  Unknown
- i. Do you know of any landslide hazard areas?  
 Yes  No  Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of Chapter 16.16 of the Lynden Critical Areas Ordinance.

  
Applicant's Signature

3-21-21  
Date

**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Whatcom, State of Washington, described as follows:

**Parcel A:**

A tract beginning at a point 40 feet North and 549 feet West of the Southeast corner of the Northeast quarter of the Southeast quarter of Section 24, Township 40 North, Range 2 East of W.M.; thence West 410 feet; thence North 396 feet; thence East 410 feet; thence South 396 feet to the point of beginning; and a tract beginning 40 feet North and 959 feet West of the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 24; thence West to a point 220 feet East of the West line of the Northeast quarter of the Southeast quarter of said Section 24; thence North 24 rods; thence East to a point due North of the point of beginning; thence South 24 rods; thence East to a point due North of the point of beginning; thence South 24 rods to the point of beginning; LESS roads;

EXCEPT a portion described as follows: Beginning at a point 440 feet East and 40 feet North of the Southwest corner of the Northeast quarter of the Southeast quarter of said Section 24; thence North 300 feet; thence West 220 feet; thence South 300 feet; thence East 220 feet to the point of beginning; and a tract beginning 40 feet North and 108 feet West of the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 24; thence West 441 feet; thence North 400 feet; thence East 311 feet; thence South 176 feet; thence East 130 feet; thence South to the point of beginning; LESS roads.

AND EXCEPT a portion described as follows: Beginning 40 feet North and 549 feet West of the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 24; thence North 175 feet; thence East 150 feet; thence South 175 feet; thence West 150 feet to the point of beginning;

AND EXCEPT the East 50 feet; and EXCEPT the North 176 feet thereof;

AND EXCEPT parcels C, F, H and I as delineated on a survey recorded under Auditor's File No. 1990303598, records of Whatcom County, Washington.

**Parcel B:**

That part of the Northeast quarter of the Southeast quarter of Section 24, Township 40 North, Range 2 East of W.M., described as follows: Beginning at a point 440 feet East and 40 feet North of the Southwest corner of the Northeast quarter of the Southeast quarter of said Section 24; thence North 300 feet; thence West 220; thence South 300 feet; thence East 220 feet to the point of beginning;

EXCEPT a portion to the City of Lynden for street, described under Auditor's File No. 1990900125 and as delineated as parcel A on a survey recorded under Auditor's File No. 1990900125, records of Whatcom County, Washington.

**Parcel C:**

**That part of the Northeast quarter of the Southeast quarter of Section 24, Township 40 North, Range 2 East of W.M., described as follows: Beginning at a point 40 feet North and 549 feet West of the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 24; thence North 175 feet; thence East 150 feet; thence South 175 feet; thence West 150 feet to the point of beginning.**

**EXCEPT parcels D and E as delineated on a survey recorded under Auditor's File No. 1990303598, records of Whatcom County, Washington.**