



TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	November 12, 2019
Project Name:	DSV #19-03, Front Street Village
Applicant:	Don and Sally Korthuis
Property Owner:	Don and Sally Korthuis
Site Address:	2111 W Front Street
Zoning Designation:	CSR (Regional Commercial Services)
Application Type:	Development Standards Variance
Parcel Size:	N/A
Hearing Type:	Quasi-Judicial
Hearing Objective:	The objective of this public hearing is to determine whether the proposed Development Standards Variance meets the criteria found within Section 17.17.040 of the Lynden Municipal Code.
Date application determined complete:	October 31, 2019
Date of Publication:	November 6, 2019
SEPA Determination:	N/A
Project Description:	Applicant is requesting a Development Standards Variance to allow the construction of an arterial street at 60-feet from the required 80-feet.

Standard Requirements:

The applicant has met the minimum submittal requirements and the application was determined to be complete on October 31, 2019. The notice of application was published on November 6, 2019.

The City has received proof of certified mailing and the affidavit of posting in accordance with the City's requirements.

Specific Project Comments from the Technical Review Committee:

The applicant is requesting a variance to LMC 18.14.030 which requires property dedication for rights-of-way and Table 4-1 (Figure 4-2) of the Engineering Design and Development Standards to allow the construction of an arterial street from the required 80-feet to 60-feet. The variance would reduce the required property dedication from 20 feet in width to 10 feet. The proposed project is located on approximately 7 acres of vacant property and would affect approximately 475-feet of frontage along West Front Street.

A 30-foot ROW abutting Front Street Station allows construction of a 44-foot wide paved street cross-section matching the improved street to the east but reduces sidewalk width from 8-feet to 5-feet, with a small 3-foot planter strip between, and street trees shifted into parking islands on the property.

LMC 17.17.040 states, where there are unnecessary hardships and practical difficulties which render it difficult to carry out the provisions of the development standards, the City Council shall have power to grant a variance in harmony with the general purpose and intent of the provisions contained therein. Such variances may vary the rules, regulations or provisions of the development standards so that the spirit of those standards will be observed; public safety secured; and substantial justice done. However, the City Council shall not vary any of the rules, regulations or provisions of those development standards unless it shall approve findings that all of the following conditions exist in each case:

- A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity in which the property on behalf of which the application was filed is located;
- B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with rights and privileges permitted to other properties in the vicinity in which the subject property is located;
- C. That the granting of such a variance will not be materially detrimental to the public health, safety and general welfare; and
- D. That the granting of such a variance will not be injurious to the property or improvements in the vicinity and zone in which the subject property is located.
- E. That the variance request is based on sound engineering judgement and includes additional mitigation sufficient to offset adverse impacts to the public interest likely to result from granting the variance."

Variance Application Comments from the Technical Review Committee:

Planning and Development

1. *Variance Justification:* The applicant has provided a response to each of the development standards variance criteria. See attached
2. *Alternate Design Analysis:* The applicant has provided a response to each of the development standards variance criteria. See attached
3. *Street Trees:* Required street trees to be established on private property along the West Front Street frontage. A corresponding development agreement will require perpetual maintenance of the trees by the property owner.

Public Works

4. Applicant is required to submit an Applicant Checklist and Agreement to Construct (Division 2 and 10 of City of Lynden Engineering Design and Development Standards).
5. *Water:* At the time of development, water must be extended to the furthest extent of the property. Easements will be needed and must be marked on the face of the plat.
6. *Sewer:* At the time of development, sewer will be required to be extended to meet the service area as identified in the sewer comprehensive plan and the City's Engineering Design and Development Standards. Easements will be needed and must be marked on the face of the plat.
7. *Stormwater:* All improvements and development must meet the City of Lynden and current Department of Ecology requirements for stormwater/drainage management
8. A post construction maintenance bond for 10% of the public facility construction costs will be required prior to final plat approval. A 150% performance bond is required for all work in the City's right-of-way or on city owned property.
9. There is a review deposit of \$200 per lot, \$2,000 minimum, to review the construction plans and a plat construction inspection deposit of \$350 per lot, \$5,000 minimum, due prior to review and construction respectively.

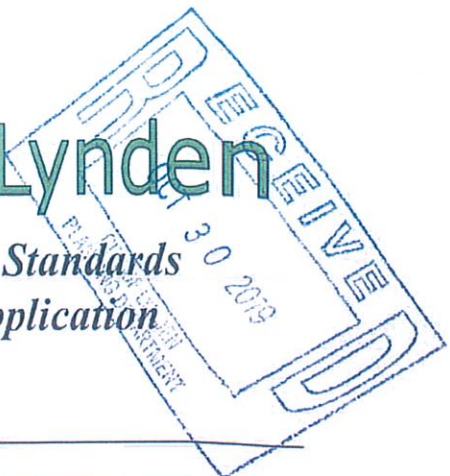
Fire Department

10. *Variance Request:* The Lynden Fire Department does not have concerns regarding the proposed development standards variance.



City of Lynden

Development Standards Variance Application



Property Owner

Name: Don and Sally Korthuis
 Address: 1610 Grover St. Suite B-5 Lynden WA 98264
 Telephone Number: 360-510-4793 Fax Number: 360-354-1080
 E-mail Address: don@mrlynden.com and/or sally@mrlynden.com

Applicant (Agent, Land Surveyor or Engineer)

Name: same as above
 Address: _____
 Telephone Number: _____ Fax Number: _____
 E-mail Address: _____

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): 2111, 2113, 2115, 2117, 2119 W. Front St. Lynden WA Assessors Tax Parcel 4002244050950000

Variance Request:

Section of the Municipal Code or Engineering Design and Development Standards to be varied: Engineering Code: Division 4, figure 4-2 and table 4.1
Development Standards from Planning Code 18.14.030 Right of Way Requirements

Identify Desired Result: We are requesting a right of way standard for an access street (60 feet) on an arterial street which right of way standard is 80 feet.

DSV Criteria must be 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.

Applicant's Signature: [Signature] Date: 10/30/19
 Property Owner's Signature: Sally M. Korthuis Date: 10/30/19

PRE-APPLICATION MEETING DATE: _____ HEARING DATE: _____
 (APPLICATIONS WILL NOT BE ACCEPTED WITHOUT A PRE-APPLICATION MEETING)
 FEE'S (DSV \$300.00 BASE FEE OR FINAL REVIEW COSTS) DATE PAID: 10-30-19 RECEIPT # _____

Written Response for Granting a Variance (LMC 17.17.040)

Front Street Station
Don and Sally Korthuis
Version 3
10/30/19

What we are asking for:

Presently, the city of Lynden has a 40' right of way for West Front Street, west of Duffner Drive to the Tromp Road. Development in this area requires additional roadway dedication. This dedication is addressed in LMC 18.4.030 and specifically in Lynden Public Works Design and Development Standards, Division 4, Section 4.3, table 4.1.

Earlier this year, we were informed that we would need to dedicate an extra 20' of our property, 2111-2119 West Front Street, to build the business park. As we worked on Front Street Station Site plans, we got tight on space. We approached the city with a modified site plan. We worked with staff, and they were great, and came up with a compromise that works for all of us. As a result, all elements of the roadway section have been provided. As LMC 17.17.04 states in the first paragraph, "Such variances may vary the rules, regulations or provisions of the developments standards, *so that the spirit of those standards will be observed...*". This variance meets the financial needs of Front Street Station, and the practical standards of the City of Lynden, albeit in a modified version for both.

The Variance:

The variance proposal we are requesting is to have the 20' dedicated easement be reduced to 10' dedicated easement. In addition to this dedicated easement, we will give an additional 10' of a utility easement. With 10' of dedicated easement, and by shifting the roadside trees into the parking lot islands, the city will get the function it is looking for. See the enclosed Exhibit E Proposed right of way for detail. The city requires, moving from North to South:

1. A center turn lane, 6' on each side of the center line of West Front Street. That works for us.
2. An 11 foot South lane (West bound traffic). That works for us.
3. A 5' bike lane. That works for us.
4. A 5-8' landscape green buffer. The purpose of this large buffer is twofold. One, people on the sidewalk don't like to walk near busy traffic, and any green buffer gives them a feeling of safety. Secondly, the green buffer has been widened lately, so that the required landscape tree roots don't interfere with the sidewalk, curb, gutter and bike lane.
5. 5' of sidewalk. That works for us.

Our Proposal and justification is as follows:

1. The previous items, 1, 2, 3 listed above are left alone.
2. The green buffer in number 4 above will be both split up and elongated. Split up into a 3' section adjacent to the bike lane and the sidewalk, and a second green area, "car bumper area" of 2', adjacent to the property line and the sidewalk.

3. The landscape trees, up on the street, can be visual barrier to the view of a passing motorist, to see the development and address numbers clearly. To deal with the landscape trees, we propose making south-facing, elongated island landscape areas every 50' in the parking lot.
4. The trees would be located 10' or more south of the property line, just south of the Utility easement so as not to have the roots cause trouble with the underground utilities. This would also greatly increase safety with egress from the business park. For example, semi-trucks leaving with the trees blocking there view.
5. The tree island landscape beds would be wide enough, possibly 8' wide east/west, so as not to interfere with pavement.
6. There would be even more "green area" with this proposal.
7. With the bike lane, and a 3' landscape area, people on the sidewalk would feel safe.
8. The history of the 80' wide street, assumes parking on the street. Front Street station, has more than adequate parking, inside the side walk.
9. This is the first true business park in Lynden of this type. There are many of these running successful in the Ferndale/Bellingham area. Over the years we have talked to many developers and business people in Whatcom County. The result, it costs more to build in Lynden, with all of the requirements, to make it "Lynden nice". We did an analysis, and found this amount to be approximately \$20 per square foot, additional building cost. Also, Lynden rents are about 10% less, due to the proximity to I-5. This is not a good recipe for commercial success. The numbers are close on this project. We appeal to the council to grant this variance.

LMC 17.17.040

With this background, we understand this will require a variance. We will follow the standards set forth in LMC 17.17.040.

- A. The properties around this proposal are largely undeveloped and therefore our proposal would not be inconsistent with the known limits on the surrounding properties. Indeed, the development should improve commercial opportunity in West Lynden, for not only us, but all the surrounding property owners. Our commercial neighbors have encouraged us every step of the way, including this variance.
- B. The variance request reflects a need to fit the site plan on the property. If we were to meet the standard 80 feet requirement for an arterial street, we would lose a full row of parking, to fit in the city required landscaping and sidewalk. If we would simply push everything back we would be forced to take away 2,000-4,000 square feet off the actual commercial buildings up front. This would cause a loss of valuable rentable space, a time delay, and incur considerable architect fees for extensive changes in the final prints.

An additional benefit to the city is the more commercial space the more tax revenue (both sales and property tax) would be seen by the city. Also, removing this space reduces jobs.

This purposed variance would not eliminate any required design elements. The variance simply moves and/or compresses some of the elements and shifts a few street tree requirements a few feet back.

- C. The overall design of this project has been carefully thought through to provide maximum safety and driving ease for renters, their customers, and delivery/public service trucks. It was our goal to provide generous (most spots 10 foot wide) parking spaces, ample turn-in isles, and wide truck turn radiuses. It meets all known codes and government requirements for safety and public welfare.

Sidewalk safety is also maintained with the green barrier between the sidewalk and bike lane. There is no need for street parking with this site plan as proposed. There is ample parking inside the park. Street parking is much more dangerous than in-park parking. With trees moved back, these modifications would add a certain amount of safety to the traffic egressing from the business park.

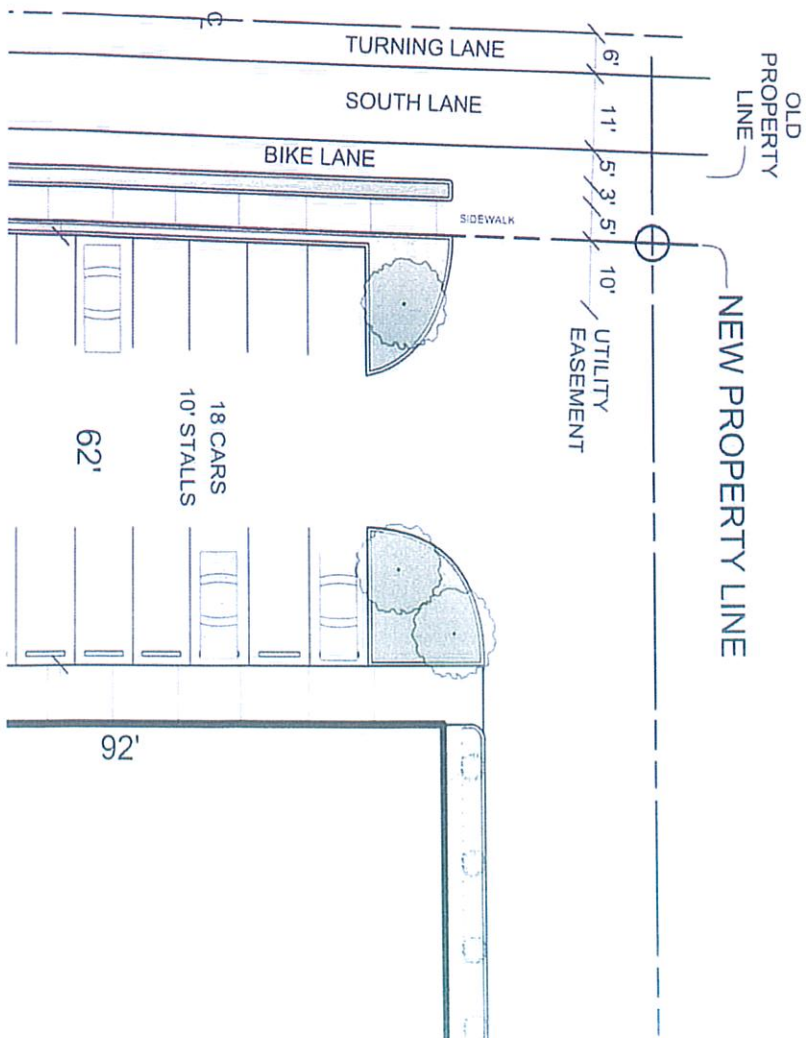
- D. The immediate surrounding properties are empty lots, except for two single family homes on the north side of the street. Since the commercial owners have no improvements at the street front, there would be no harm to their properties. In fact, our proposal would enhance their properties values. Again, the commercial neighbors have all shown encouragement for the property. This will jumpstart a whole new business area in Lynden.
- E. The street in question is in an exciting transition. It is being redesigned even as this is being written. It is a wise time to grant our request as the street changes are being planned. The goal for both the city and Front Street Station is to bring new commerce to the City of Lynden. This variance will help us make that happen.

Thank you for your consideration on this matter,

Don and Sally Korthuis

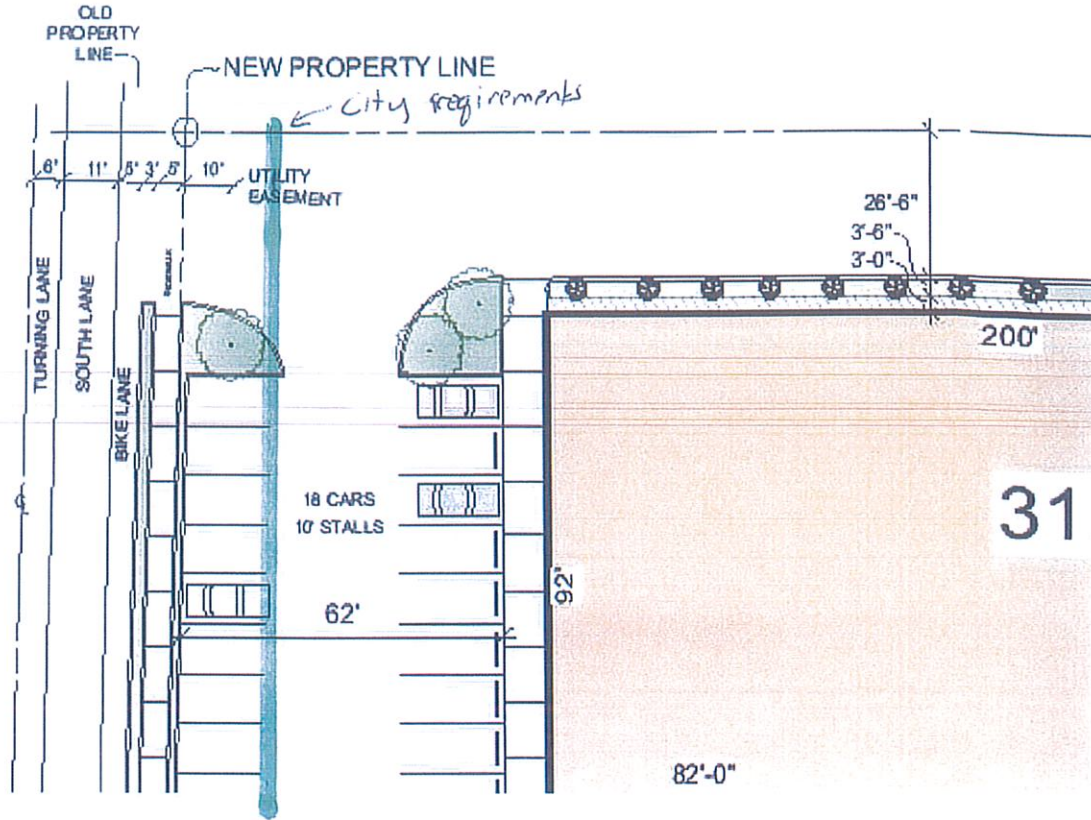
Proposed Variance

Proposed Variance

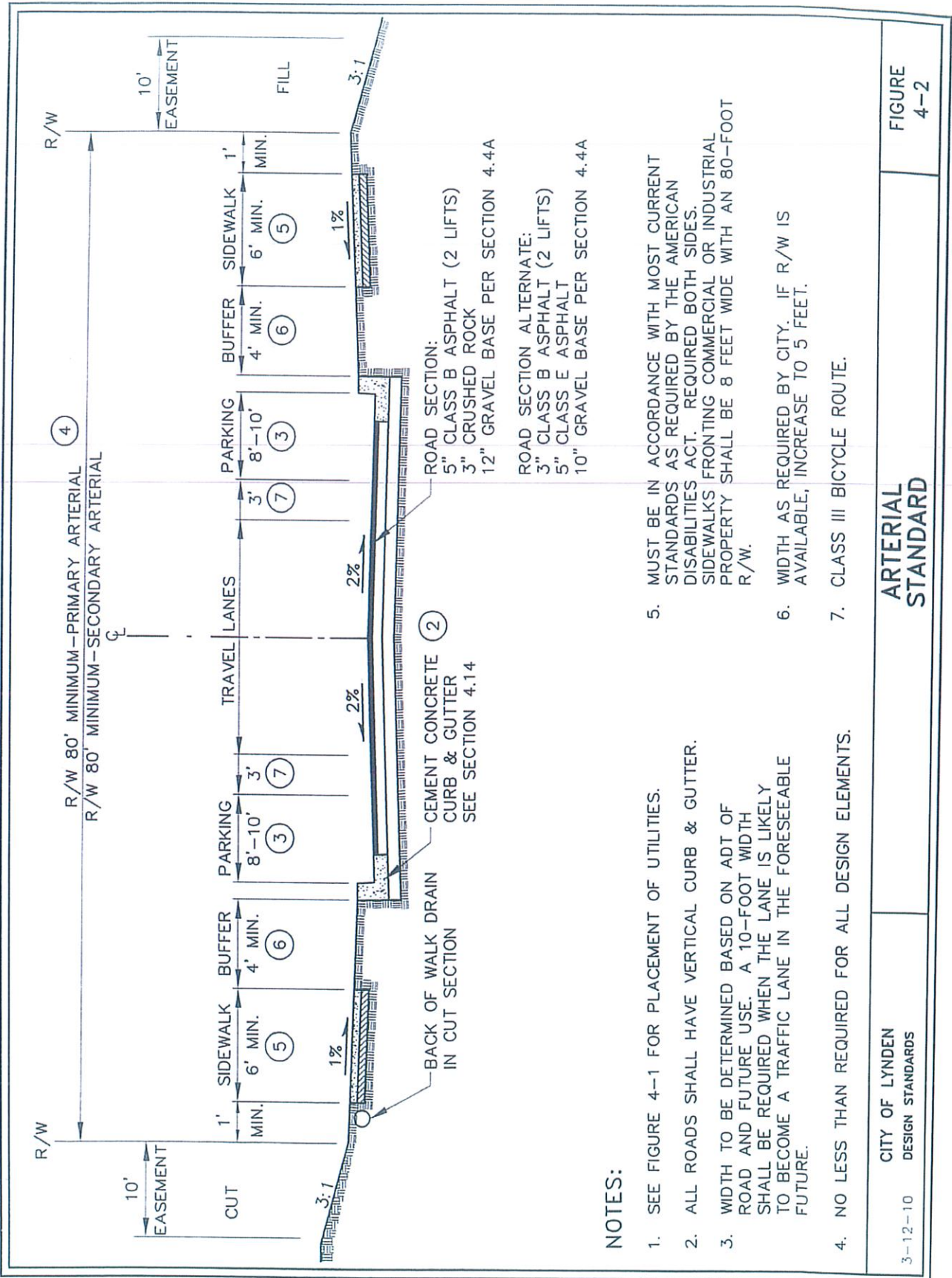


As Code Would Require

EXHIBIT E Proposed right of way FSS Development Agreement



~~XXXXXXXXXX~~



NOTES:

1. SEE FIGURE 4-1 FOR PLACEMENT OF UTILITIES.
2. ALL ROADS SHALL HAVE VERTICAL CURB & GUTTER.
3. WIDTH TO BE DETERMINED BASED ON ADT OF ROAD AND FUTURE USE. A 10-FOOT WIDTH SHALL BE REQUIRED WHEN THE LANE IS LIKELY TO BECOME A TRAFFIC LANE IN THE FORESEEABLE FUTURE.
4. NO LESS THAN REQUIRED FOR ALL DESIGN ELEMENTS.
5. MUST BE IN ACCORDANCE WITH MOST CURRENT STANDARDS AS REQUIRED BY THE AMERICAN DISABILITIES ACT. REQUIRED BOTH SIDES. SIDEWALKS FRONTING COMMERCIAL OR INDUSTRIAL PROPERTY SHALL BE 8 FEET WIDE WITH AN 80-FOOT R/W.
6. WIDTH AS REQUIRED BY CITY. IF R/W IS AVAILABLE, INCREASE TO 5 FEET.
7. CLASS III BICYCLE ROUTE.

CITY OF LYNDEN
DESIGN STANDARDS

**ARTERIAL
STANDARD**

FIGURE
4-2

each lot owner and all subsequent lot owners.

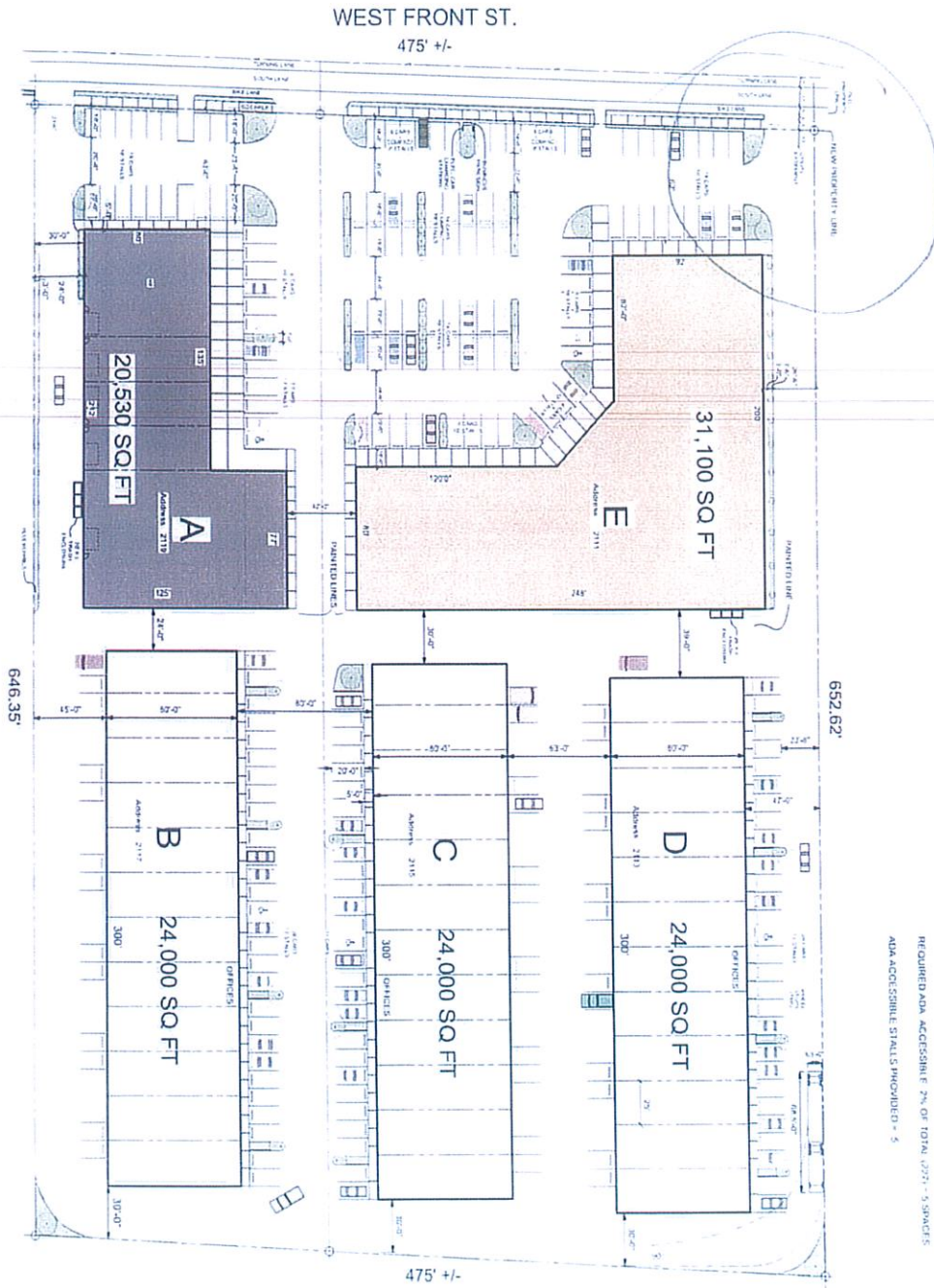
7. Covenants shall be recorded by the Applicant and/or owner, in the land records of Whatcom County.
8. Clearly described on the face of the plat, short plat, or other development authorization and clearly signed as a private road.

**Table 4-1
Geometric Cross-Section for New Construction and Reconstruction**

Design Elements	Arterials (a)	Access Street (a)	Private Roads and Alleys (a)
Right of Way (b)	80' (65' Res.) min	60' minimum	
Minimum Roadway Width (c)	46'	36' (d)	30' (d)
Minimum Lane Width:			
A. Exterior	12'	10'	10'
B. Interior Thru	11'	10'	
C. Two-Way Left-Turn	11'	10'	
D. Exclusive Turn	11'	10'	
E. Parking Each Side	8' (e)	8' (e)	8' (f)
F. Class III Bicycle Lane	3' (k)		
Sidewalks:			
A. Minimum Width	6' (g) (h)	5' (g) (h)	5' (g) (h)(i)
B. Buffer	4' (j)	4' (j)	3' (j)
C. Easement Each Side	10'	10'	10'

- (a) All public and private roads except alleys shall be constructed with vertical curb and gutter.
- (b) No less than required for all design elements.
- (c) Distance from face of curb to face of curb.
- (d) Alleys can be reduced to 24 feet.
- (e) Width to be determined based on ADT of road and future use. A 10-foot width shall be required when the lane is likely to become a traffic lane in the foreseeable future.
Increase width of parking lanes on arterials to 10 feet if bicycle lane is not required.
- (f) No parking required for private roads serving 2 lots or less
Parking required one side only for ADT 30 - 150, minimum roadway width 30 feet
Parking required both sides for ADT > 150, minimum roadway width 40 feet
- (g) Must be in accordance with most current standards as required by the American Disabilities Act.
- (h) Required both sides.
Sidewalks fronting commercial property shall be 8 feet wide with a 80-foot or wider R-O-W.
- (i) Sidewalks required one side for ADT 30 - 150.
- (j) If R-O-W is available, increase width to 5 feet.
- (k) May be eliminated if separate detached bicycle path is provided.

Site Map
N. point scale



PARKING

TOTAL PARKING SPACES 237

REQUIRED ADA ACCESSIBLE 2% OF TOTAL 237 = 5 SPACES

ADA ACCESSIBLE STALLS PROVIDED = 5



PRELIMINARY SITE PLAN
SCALE 1" = 30'

A-2

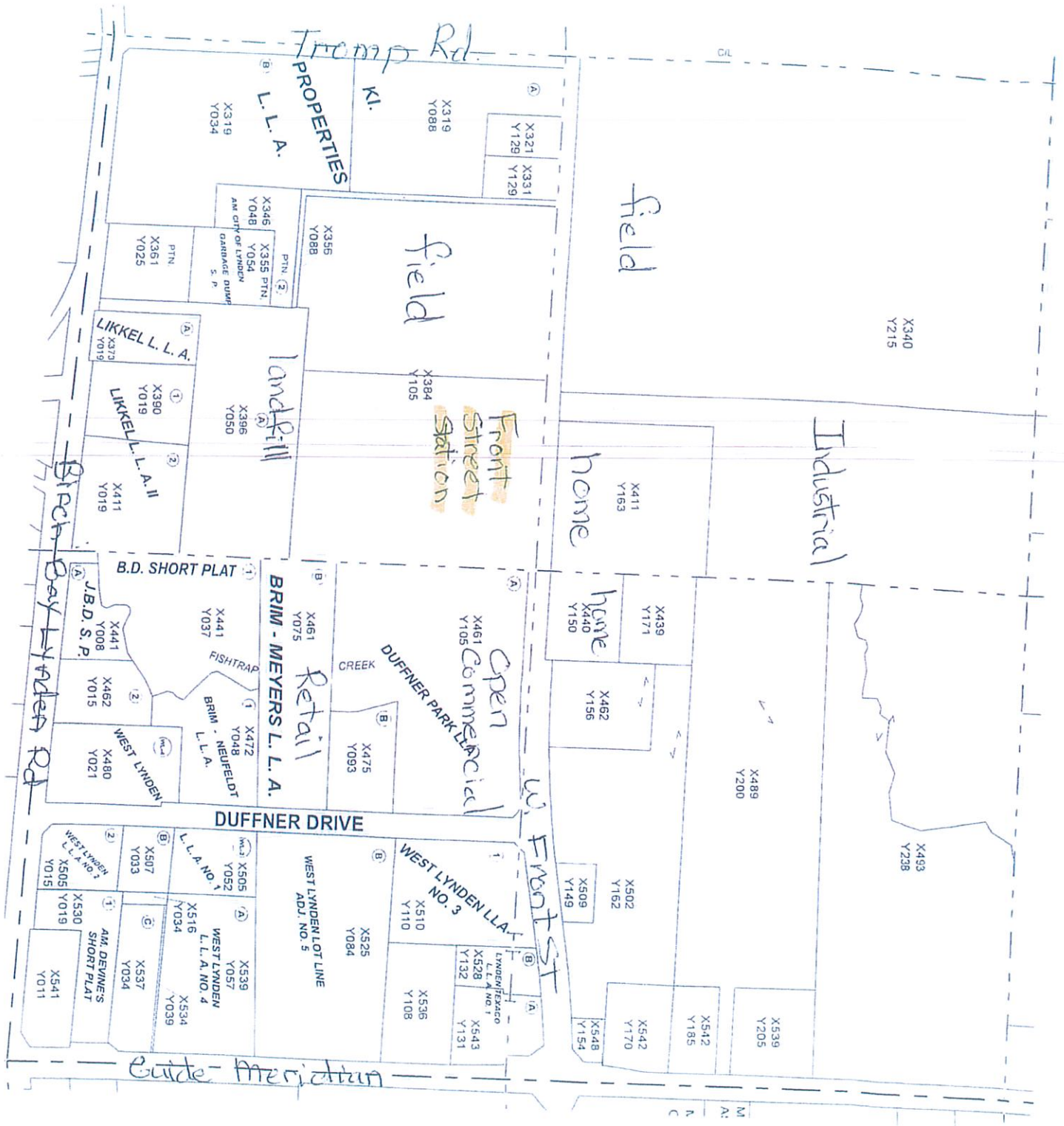
- 1/16/2019 LANDSCAPING
- 5/6/2019 PARKING & CHURNS
- 3/6/2019 EIR
- 2/14/2019 PARKING/PROPERTY LINES
- 1/26/2019 PARKING
- 1/16/2019 BOSTON CANNONBALL - 1000181
- 3/21/2018

DOUGLAS LANSEEM ARCHITECT AIA
LICENSED ARCHITECT IN WASHINGTON, IDAHO, ALASKA, HAWAII

1407 NORTH FOREST, SEATTLE, WA 98122 206.753.2566
www.lansseemarchitect.com dlanseem@architect.com

FOR DON AND SALLY KORTHUIS

vacant properties



TOWNSHIP: 40

RANGE: 02

SECTION: 24

MAP NO.: 05

SCALE: 1" = 200'



DATE: Sep. 05, 2019

KEY MAP:

14	13	18
23		19
26	25	30

ASSESSOR'S OFFICE



THIS MAP IS FOR ASSISTANCE IN LOCATING PROPERTY AND NOT GUARANTEED FOR EXACTNESS OR DIMENSIONS.

See Page 15

See Page 16

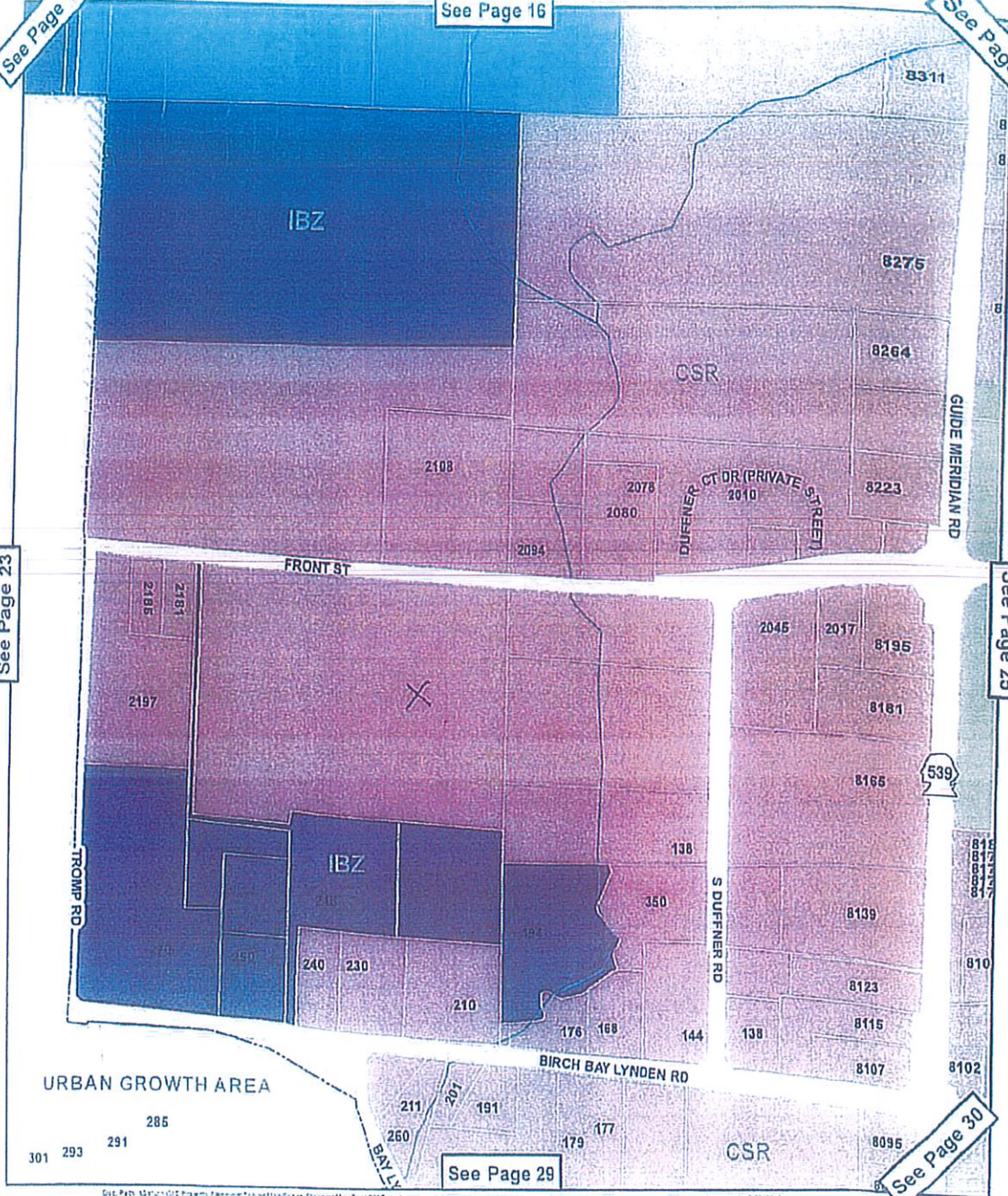
See Page 17

See Page 23

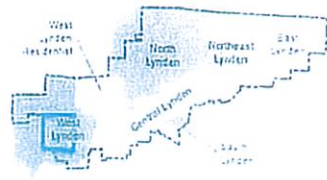
See Page 25

See Page 29

See Page 30



Sub-Areas



Zoning Designations

Residential	Public Uses	Commercial	Industrial	Additional Designations
RS-1C2	Pu	CCR	HBC	IC
RS-14		CCB		ICB
RS-17		CCS		ICD
RM-1				ICE
RM-2				ICF
RM-3				ICG
RM-4				ICH
M-1				ICI
M-2				ICJ
M-3				ICK
M-4				ICL
M-5				ICM

Features

Feature	Symbol
Fire Dept	FD
Police Dept	PD
Public Tra	PT
Garage	GA
Religious	RE
City Limits	CL
ICB	ICB
ICD	ICD

Page Index



CITY OF LYNDEN

PLANNING DEPARTMENT
360-354-5532



PLANNING COMMISSION MEETING MINUTES

7:30 PM October 24, 2019
City Hall Annex

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Diane Veltkamp, Gerald Veltkamp, Blair Scott, Lynn Templeton and Brett Kok.

Absent with notice: Bryan Korthuis

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

3. APPROVAL OF MINUTES

A. October 10, 2019

Scott motioned to approve the October 10, 2019, Planning Commission Minutes as submitted. Seconded by Kok and the motion passed 5-0.

4. DECLARATION OF CONFLICT

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

5. PUBLIC HEARING

A. Conditional Use Permit #19-01, Front Street Station Business Park

Chairperson Veltkamp opened the public hearing.

In 2018 the City of Lynden modified the uses permitted within commercial zoning categories. Most of the revisions focused on the Commercial Services – Regional (CSR). As part of this code amendment the uses of wholesaling and warehousing were added as Conditional Uses which require a Conditional Use Permit (CUP) prior to operation.

The pending CUP application is brought forward by Don and Sally Korthuis for a business park development called Front Street Station. It is located on approximately 7 acres of vacant property on the south side of W. Front Street. The application requests the addition of wholesaling and warehousing as permitted uses within the proposed business park. The business park is not intended to be exclusively wholesaling and

warehousing but a wide variety of uses including retail, showroom, office, and light manufacturing as permitted by code.

No written comment was received concerning this application.

Through separate applications, the property owner is in the process of completing a development agreement, a SEPA environmental review, and acquiring approval from the City's Design Review Board. Additionally, the City of Lynden Public Works Department has been designing improvements to West Front Street and pursuing funding for the improvements through Whatcom County's Economic Development Investment (EDI) program.

Don Korthuis, 2151 Stickney Island Road, Everson

Korthuis addressed the Commission and stated that the CUP request is a very critical component that this business park needs. To allow wholesaling and warehousing is very important and will be good for Lynden, good for the economy and good for jobs as well.

Speaking in favor

Clark Vellema, PO Box 453, Snohomish, 98291

Here to support family owned property. The application should be approved. When the city sets forth a matrix it should allow property owners the opportunity to define the use as requested.

Vellema would also like to note that this property is defined as lot 2 of a partition by court order. Vellema owns the other parcel and will likely develop in the future.

Dave Meyers Axton Road, Lynden

Meyers shares a property line with the Korthuis property and would like to speak in favor of the request. It is a good move for the City as far as direction. There is a need for this type of development.

Korthuis referenced his application. Currently the City of Lynden has two specific zoning use classifications relating to the Wholesaling and/or Warehousing of products. Front Street Station desires to have both uses allowable in all the buildings proposed (A-E) in the new commercial business park for the following reasons:

In reference to buildings A, B, C, D, and E.

- At Front Street Station, with its attractive design, more than adequate parking and traffic flow, we will accommodate many such Retailers-Open to the Public in an environmentally pleasing location and safe due to high efficiency exterior lighting to include sufficient parking lot illumination.
- Additionally, the ingress and egress for the both the shopper and businesses will be

not only enhanced but also most accommodating because of the three (3) curb cuts. Since there will also be a multi-tenant business type park in the rear, these 3 curb cuts on Front Street will allow for a more efficient traffic flow, thus mitigating vehicles waiting ON Front Street for safe access into the property.

- While Front Street Station is one block from the Guide Meridian with its retail showrooms and shopping centers, it is still fully compatible with the surrounding area since the businesses that would locate there will still attract all the usual customers.

In reference to buildings A + E.

- While so called Brick & Mortar (B&M) stores are seeing increasing competition from the On- line stores, B&M will always have a very significant place in the overall shopping experience.
- We see many examples not only in Whatcom County, but nationwide as well, where very successful B&M warehouse type stores, and for that matter wholesale stores are seeing an increased presence because of a changing demographic. That change being that it was once thought that the millennial shopper was more prone to use On-Line stores in place of B&M. However, research by shopping center and retail companies show that as those millennia ls have gotten older, they now are shopping with their children IN the B&M stores to provide the "hands on" experience, and to actually demonstrate the product(s) they are considering.
- We see evidence of this in such type stores as Costco, Best Buy, WinCo, etc. for the Big Box stores. However, Front Street Station will not be attracting these stores. We envision stores that warehouse/wholesale such items carpet/floor coverings, for example, Great Floors, Fishtrap Creek Interiors, or Village Lighting, Home products such as doors, windows, (Lynden Door is an example), Furniture stores, etc. These stores are specifically set up to have a retail presence in the front (30% of floor area) while warehousing and/or manufacturing a product in the rear. They also act as wholesalers to the general construction industry as evidenced by what Architects are designing and suggestion for their clients.
- The shoppers experience will be one that they will want to experience again.

In reference to buildings B,C,D.

- In buildings such as these, where the front areas are either office or small retail showrooms, it is not only common but ubiquitous around the country that manufacturing and or wholesaling business are located here.
- Such diverse type businesses would include for example Fastenal (over 1500 "stores" wholesale Open to the Public)) where the front portion is retail and balance is warehouse; small tech companies manufacturing a proprietary product with both offices and warehouse; cabinet/furniture businesses having a small office/showroom while building the product in the warehouse; lighting company catering to the architect/contractor where product is warehoused. The list of all such type users, both

warehouse and wholesale could possibly be endless. It would be difficult to list all such specific users. It is the intent of Front Street Station in buildings B,C, and D to accommodate those businesses not needing any retail presence or even a location that the public can find. It is common that such users only have a very small sign on the glass front door for deliveries and those that have appointments.

Korthuis also provided the following responses to how he believes his application for a Conditional Use Permit meets the following criteria listed under 19.49.020:

1. The proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district; Our goal to blend in with the surrounding businesses. The immediate businesses near this development are industrial and agriculture. Warehousing and Wholesaling are specifically in the definition as a CUP. Our goal is to have high end Warehousing and wholesaling as a part of this development.

Lynden's code 9.23.010 has a definition of CSR Commercial Services – Regional (underlying is added to emphasize) which supports our request: "The purpose of the CSR zone is to support the development of large format retail and regional commercial development. In addition, this zone may support commercial establishments which require a retail contact with the public together with professional offices, storage and warehousing, or light manufacturing. This zone is located where larger parcels and arterial streets are available to support the traffic and land needs for these types of uses. This zone provides the primary location for businesses serving both the local and regional trade area."

Commission has no concerns.

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

We believe that the above criteria will be enhanced by FSS. We will not be renting to "dirty" businesses, such as car repair, fiberglass boat repair, etc. It is our goal to promote clean businesses in Lynden providing living wage jobs. Also, to provide incubator location for new business. Lynden is in urgent need for wholesaling and warehousing. See Business development agreement for the building and site plans.

The Commission agreed that that the proposed use will enhance the area. Faber stated that this answer needs to be reflected in the Development Agreement as well.

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. At this time, adequate utilities are on or near the property for full development. We were very careful that traffic flow throughout FSS was adequate for both car and delivery truck traffic that a Warehouse or Wholesale use would require

The Commission agreed. Templeton asked if they will be required to install a fire hydrant? Gudde stated that they will have to meet all fire requirements.

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. Wholesaling and Warehousing will see no significant change of traffic versus the allowed business park uses

Gudde replied that West Front Street is considered a regional road and the city is responsible for it. A traffic study was completed, however, it is not required for the CUP, The city is applying for EDI funds.

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. See site plan. Meets or exceeds all city codes for landscaping, parking, traffic flow.

The Commission agrees.

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. See site plan. Meets or exceeds all city codes for landscaping, parking, traffic flow.

D Veltkamp asked if there was a way to mitigate traffic between cars vs. trucks. As retail vehicles come to visit, how do will they circulate? Gudde replied that this topic will be looked at through the Development Agreement.

Faber stated that there is plenty of room as there are 3 access. There are plenty of ways to work around that concern. Templeton asked if the truckers will use Tromp Road. Gudde replied, yes, the City prefers that trucks use Tromp. The new design of West Front calls for an all-weather road.

7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance. N/A. There are none on site.

No concern.

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

Yes! We are excited to cooperate with the city goals of this area. Lynden is the only major community in Whatcom County without this sort of facility. It is our goal to make this facility enhance the City.

The Commission had no concern.

D. Veltkamp asked if Korthuis was looking for a CUP for all buildings and phases? Korthuis replied, yes.

Scott motioned to close the public hearing. Seconded by Kok, and the motion passed 5-0.

The Commission reviewed the minimum standards outlined in LMC 19.49.040 regarding the Special Conditions for approval of a CUP within the West Lynden Sub-Area and has found that the request meet the criteria

In addition, the Commission reviewed LMC 19.49.020 regarding standards and criteria for granting a Conditional Use Permit and found that the request meets the criteria.

Faber motioned to recommend approval of the Conditional Use Permit #19-01, for the Front Street Station Business Park as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 17, 2019 subject to the following condition:

1. That the Conditional Use Permit must meet the conditions outlined in LMC 19.49.040.

Seconded by Scott, and the motion passed 5-0.

6. NEW BUSINESS

A. Development Agreement, Front Street Station Business Park

The approval of a Development Agreement does not require a public hearing therefore we will not be accepting comment from the public.

Gudde addressed her memo dated October 21, 2019 and stated that the Lynden Municipal Code Section 19.23.020 notes that Business Parks are permitted in Commercial Services – Regional (CSR) zoning categories where at least 20% of the total gross floor area of the park is related to onsite retail, showroom, or office use. LMC 19.23.020(9) goes on to specify that property owners developing a business park are required to formalize a development

agreement with the City Council after receiving a recommendation from the Planning Commission which:

- a. Specifies a list of permitted, conditional, and prohibited uses within the business park.
- b. Outlines a parking and loading standards which anticipates the uses permitted.
- c. Creates standards for and screening of outdoor storage and refuse areas.
- d. Addresses unique signage requirements.
- e. Indicates how the building siting and architecture addresses the street frontages at a pedestrian scale.

The development agreement attached has been brought forward by Don and Sally Korthuis for a business park development called Front Street Station. The 7-acre project is located on West Front Street. This agreement is moving forward to the Planning Commission with a corresponding Conditional Use request to add wholesaling and warehousing as permitted uses within the business park. If permitted, the uses would be part of a wide variety allowed within the 124,000 square foot park.

Don Korthuis, 2152 Stickney Island Road, Everson

Korthuis addressed the Commission and stated that this has been a good collaborative effort. There have been 6 versions of this Development Agreement and it is now ready to move forward.

Korthuis is excited about the project. The design is going to be classy with a lot of extra little details. We have every intention of making this very nice.

The Commission reviewed the Development Agreement.

D. Veltkamp addressed Article 1 Land Use Setback and Requirements specifically 1.2 (h) *Outdoor storage areas will be allowed for the occupants of Buildings B, C and D. This will be kept clean and can be revoked with a tenant if it is deemed undesirable by FSS regarding outdoor storage.*

Veltkamp asked, what kind of storage will this consist of? Korthuis replied, temporary storage. Gudde referred to item 2.3 as it addresses outdoor storage and refuse areas. *Building A and E will have a designated outdoor area, with screening, for refuse containers. Buildings B, C, D will have refuse stored either inside the building, or near the rear service doors, for example the west side of building B. Outdoor storage will be discouraged and will be less than 30% paved area.*

D. Veltkamp asked, if language should be added to reference temporary storage?

Gudde replied, maybe simply state, inventory of product cannot be stored outside for more than 48-hours without appropriate screening such as a fence or wall.

Moore stated that the lease agreement already has that stated. It is very specific to outdoor storage.

The Commission would like to see the following language added to 2.3. **No product / inventory or refuse may be stored in outdoor parking areas for more than 48 hours. Refuse areas may be permanently added if screened with an appropriate fence or wall.**

Korthuis indicated that they will update section 2.3 to include said language.

D. Veltkamp addressed 1.7 which states that there has to be a minimum of 20% retail at all times. How will you manage this? Korthuis stated that we will be watching that very closely. That is our requirement and we will make sure that it is properly managed.

The Commission reviewed 1.7 (permitted uses table).

D. Veltkamp asked about Farm Implement and Machinery Sales and Service. D Veltkamp would like to add **no outside display of equipment**. Korthuis is okay with that.

No outside display of equipment should also be added to retail feed and seed stores.

Faber addressed drive through coffee stands and stated that they **should not be allowed in buildings B, C and D**. Korthuis stated that we can revise to not allow.

In addition, the Commission agreed to add **no overnight boarding except for medical purposes under the** Veterinary Clinics and Laboratories category.

Faber also stated that 2.7 should note **Resolution 709** instead of the "Mayor's letter."

There was brief conversation about signage. Korthuis replied, that there will be a monument sign up front between the two driveways on the east end. We are waiting to see who occupies the building. Park name and addresses will be on the monument sign.

Korthuis stated that they will likely install directional signs that will help direct traffic. Deliveries will happen along the back and the customer traffic will be through the middle.

The Commission asked, while Buildings A & B are under construction what are the plans for maintenance of the vacant property? Korthuis replied, I plan to mow 1-2 times per year. Korthuis will keep it tidy.

Faber noted that the turning radius on building D runs into a few parking stalls. Will there be some reconfiguration? Korthuis yes, absolutely.

The Commission stated that they are looking forward to a quality project.

G. Veltkamp asked how long this project will take to construct? In our SEPA Checklist we indicated 10 years, however, we are hopeful that will be much shorter. There are currently two national tenants looking at Building E.

Gudde, noted that there are aspects of the Development Agreement will need to be reviewed by the City's legal counsel.

The Commission asked if staff was satisfied with the responses to all questions in the staff report. Gudde replied, yes.

Faber motioned to recommend approval of the Front Street Station Business Park Development Agreement as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 30, 2019 and further subject to the following conditions:

1. That the following language be added to Item 2.3: No product / inventory or refuse may be stored in outdoor parking areas for more than 48 hours. Refuse areas may be permanently added if screened with an appropriate fence or wall.
2. That no outside display of equipment be added to Farm Implement and Machinery Sales and Service.
3. That no outside display of equipment be added to retail feed and seed stores.
4. That drive through coffee stands should not be allowed in buildings B, C and D.
5. That no overnight boarding except for medical purposes be added under the Veterinary Clinics and Laboratories category.
6. That Section 2.7 be revised to state Resolution 709 instead of the "Mayor's letter".

Seconded by Kok, and the motion passed 5-0.

7. COMMISSIONERS CORNER

Next meeting will be on November 21st and the agenda will include the Flood Hazard Overlay and the Pepin Creek Sub-Area Plan.

8. ADJOURNMENT

Motion to adjourn by Kok / Second by Scott. Meeting adjourned at 9:00 pm.

CITY OF LYNDEN
LYNDEN CITY COUNCIL

IN RE THE DEVELOPMENT
STANDARDS VARIANCE REQUEST
OF Don and Sally Korthuis, Petitioner

NO. 19-03

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Owners of the premises known as:

LOT 2 OF THE PARTITION BY COURT ORDER AS RECORDED ON NOVEMBER 19, 2018, UNDER AUDITORS FILE NUMBER 2018-1101761, WHATCOM COUNTY, WASHINGTON, SUBJECT TO AND TOGETHER WITH ALL EASMENTS, COVENANTS, RESTRICTIONS AND / OR AGREEMENTS OF RECORD. ALL SITUATE IN WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: 2111 W. Front Street, Lynden

Having made application for a for a Development Standards Variance requesting to vary the requirement outlined in Division 4, Figure 4-2 / Table 4.1 of the Engineering Design and Development Standards to allow the construction of an arterial street at 60-feet from the required 80-feet at the above noted address.

The Lynden City Council held a public hearing on November 18, 2019 and considered the consistency of the application under LMC 17.17.040 and has determined that the application meets the criteria for granting a development standards variance to the findings, conditions and recommendations of the Technical Review Committee Report dated November 12, 2019.

Said request having come before the Lynden City Council on November 18, 2019, and the Lynden City Council having fully and duly considered the conditional use permit request, hereby makes the following:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.01 Application. Don and Sally Korthuis, ("Applicant") filed a development standards variance application which was accepted by the City as complete on October 31, 2019.

1.02 Location. The Property is located 2111 W Front Street in Lynden, Whatcom Co., Washington as described above.

1.03 Ownership. Don and Sally Korthuis are the Property Owners.

1.04 Reason for Request. To allow the construction of an arterial street from the required 80-feet to 60-feet. The variance would reduce the required property dedication from 20 feet in width to 10 feet.

1.05 Compliance with Criteria for Granting a Development Standards Variance. The application as presented during the public hearing complies with the criteria listed within Section 17.17.040 of the Lynden Municipal Code.

1.06 Compliance with Project Manual for Engineering Design and Development Standards. The application complies with the development standards and requirements set forth in the Project Manual for Engineering Design and Development Standards, as applicable.

1.07 Appropriate Provisions for Promoting Health, Safety and General Welfare. The application makes appropriate provisions for public health, safety and general welfare.

1.08 Open Spaces, Streets, Roads, Sidewalks and Alleys. The application makes appropriate provisions for public open spaces, roads, streets, sidewalks and alleys.

1.09 Potable Water Supplies, Sanitary Wastes and Drainage Ways. The application makes appropriate provisions for public drainage ways, potable water supplies and sanitary wastes.

1.10 Public Interest. The application is consistent with the City's comprehensive plan and the Growth Management Act. The public interest will be served by the approval of the application.

1.11 Critical Area Review. Critical areas will be addressed during project development.

1.12 SEPA Determination. A determination will be made in association with the future street construction on West Front Street.

The foregoing Findings of Fact and Conclusions of Law are not labeled. Those sections which are most properly considered Findings of Fact are hereby designated as such. Those sections which are most properly considered Conclusions of Law are also designated as such. From the foregoing Findings of Fact and Conclusions of Law, the Director establishes the following conditions:

II. CONDITIONS

Specific Project Comments from the Technical Review Committee:

The applicant is requesting a variance to LMC 18.14.030 which requires property dedication for rights-of-way and Table 4-1 (Figure 4-2) of the Engineering Design and Development Standards to allow the construction of an arterial street from the required 80-feet to 60-feet. The variance would reduce the required property dedication from 20-feet in width to 10-feet. The proposed project is located on approximately 7 acres of vacant property and would affect approximately 475-feet of frontage along West Front Street.

A 30-foot ROW abutting Front Street Station allows construction of a 44-wide paved street cross-section matching the improved street to the east but reduces sidewalk width from 8-feet to 5-feet, with a small 3-foot planter strip between, and street trees shifted into parking islands on the property.

LMC 17.17.040 states, where there are unnecessary hardships and practical difficulties which render it difficult to carry out the provisions of the development standards, the City Council shall have power to grant a variance in harmony with the general purpose and intent of the provisions contained therein. Such variances may vary the rules, regulations or provisions of the development standards so that the spirit of those standards will be observed; public safety secured; and substantial justice done. However, the City Council shall not vary any of the rules, regulations or provisions of those development standards unless it shall approve findings that all of the following conditions exist in each case:

- A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity in which the property on behalf of which the application was filed is located;
- B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with rights and privileges permitted to other properties in the vicinity in which the subject property is located;
- C. That the granting of such a variance will not be materially detrimental to the public health, safety and general welfare; and
- D. That the granting of such a variance will not be injurious to the property or improvements in the vicinity and zone in which the subject property is located.
- E. That the variance request is based on sound engineering judgement and includes additional mitigation sufficient to offset adverse impacts to the public interest likely to result from granting the variance.”

Variance Application Comments from the Technical Review Committee:

Planning and Development

1. *Variance Justification:* The applicant has provided a response to each of the development standards variance criteria. See attached
2. *Alternate Design Analysis:* The applicant has provided a response to each of the development standards variance criteria. See attached
3. *Street Trees:* Required street trees to be established on private property along the West Front Street frontage. A corresponding development

agreement will require perpetual maintenance of the trees by the property owner.

Public Works

4. Applicant is required to submit an Applicant Checklist and Agreement to Construct (Division 2 and 10 of City of Lynden Engineering Design and Development Standards).
5. *Water:* At the time of development, water must be extended to the furthest extent of the property. Easements will be needed and must be marked on the face of the plat.
6. *Sewer:* At the time of development, sewer will be required to be extended to meet the service area as identified in the sewer comprehensive plan and the City's Engineering Design and Development Standards. Easements will be needed and must be marked on the face of the plat.
7. *Stormwater:* All improvements and development must meet the City of Lynden and current Department of Ecology requirements for stormwater/drainage management
8. A post construction maintenance bond for 10% of the public facility construction costs will be required prior to final plat approval. A 150% performance bond is required for all work in the City's right-of-way or on city owned property.
9. There is a review deposit of \$200 per lot, \$2,000 minimum, to review the construction plans and a plat construction inspection deposit of \$350 per lot, \$5,000 minimum, due prior to review and construction respectively.

Fire Department

10. *Variance Request:* The Lynden Fire Department does not have concerns regarding the proposed development standards variance.

III. DECISION

Petitioner's application to allow to allow a Development Standards Variance to allow the construction of an arterial street from the required 80-feet to 60-feet, on the property described herein is hereby **Approved**.

DATED: _____

Scott Korthuis, Mayor