

CITY OF LYNDEN
LYNDEN CITY COUNCIL

IN RE THE CONDITIONAL USE
PERMIT REQUEST OF Don and Sally
Korthuis, Petitioner

NO. 19-01

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, RESTRICTONS AND / OR AGREEMENTS OF RECORD. ALL SITUATE IN WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: 2111 W. Front Street, Lynden

Having made application for a Conditional Use Permit to allow warehousing and wholesale uses at the above noted address within the Regional Commercial Services (CSR) zone.

The Lynden Planning Commission held a public hearing on October 24, 2019 and considered the consistency of the application under LMC 19.49.020 and has determined that the application meets the criteria for granting a conditional use permit according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 30, 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 conditional use application which was accepted by the City as complete on August 26, 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 warehousing and wholesale uses within the Regional Commercial Services (CSR) zone in association with the development of a 125,210 square foot business park.

1.05 Compliance with Criteria for Granting a Conditional Use Permit. The application as presented during the public hearing complies with the criteria listed within Section 19.49.020, Section 19.49.030 and Section 19.49.040 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. There were no critical areas found to be on the site.

1.12 SEPA Determination. Environmental review of the proposal is not required.

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

Planning & Community Development Comments:

1. Extents of Uses: Please clarify the extents of the proposal. The application seems to indicate that the proposed CUP uses of wholesale and warehouse uses will occur only in Phase I of the business park (buildings A and B). Staff understood that these uses were likely to occur throughout all phases of the business park. It is recommended that the application encompass the full scope of the uses even if they may occur in future phases. Revise application information as needed.

2. Context of the CUP: The pending development agreement associated with the proposed business park gives important context to the conditional uses. As such, staff recommends that the execution of the development agreement be considered as a condition of approval for the wholesale and warehouse Conditional Use Permits (CUP). In other words, wholesale and warehouse uses are not permitted outside of the context of the business park unless an alternate CUP application is made.
3. Building Frontage: Staff is concerned that wholesale and warehouse uses may not lend themselves to attractive building facades. Be advised, that if the proposed CUPs are permitted, care should be taken to avoid the negative visual impacts large, blank walls have on the pedestrian environment – specifically, the Front Street frontage. As the supporting application suggests, building facades visible from Front Street should not appear to be warehouses even if warehouse uses are permitted. Staff recommends that building facades be held to this standard when reviewed in more detail by the Design Review Board.
4. Pedestrian Accommodation: Commercial uses are anticipated to accommodate the general public and a variety of transportation methods including pedestrian. Industrial uses can be less accommodating as these sites are designed to accommodate truck traffic. Be advised, the Design Review Board will be reviewing site layout and its accommodations for retail traffic and pedestrian access.
5. Business Licensing: Be advised, entities which operate wholesale or warehouse establishments on the property must secure a business license with the City of Lynden.

Public Works

1. Water:
 - a. Fire hydrant spacing shall be a maximum of 300 feet clear distance.
 - b. All water meters shall have approved backflow prevention installed. Be advised backflow installed may need to change based on future uses.
 - c. Be advised watermains may need to be looped to provide fire flow.
2. Sewer: Be advised, oil/water separators may be needed depending on future uses.
3. Circulation/Access: Proposed uses will require larger turning movements for truck traffic.

4. Storm drainage: Be advised future uses may require enhanced stormwater treatment.

Fire and Life Safety

1. Fire Suppression: Be advised, a fire suppression system may be required in establishments occupying space for warehouse and/or wholesale uses.
2. Inspections Required: Be advised, the City of Lynden conducts regular fire inspections of business establishments including warehouse and wholesale entities.

Parks and Recreation

The Parks Department has reviewed the application and has no comment

III. DECISION

Petitioner's application to allow to allow warehousing and wholesale uses at the above noted address within the Regional Commercial Services (CSR) zone, on the property described herein is hereby **Approved**.

DATED: _____

Scott Korthuis
Mayor