

EXHIBIT A

CITY OF LYNDEN FINDINGS OF FACT AND CONCLUSIONS OF LAW

REGARDING THE APPLICATION OF
Gene Bouma, TO REZONE
PROPERTY

Petitioner

RZ #19-01

FINDINGS OF FACT, CONCLUSIONS
OF LAW, CONDITIONS and
DECISION on a REZONE FOR Gene
Bouma - Rosewood

Gene Bouma, is owner of the premises known as:

LOT B, AS DELINEATED ON CITY BIBLE CHURCH LOT LINE
ADJUSTMENT, ACCORDING TO THE PLAT THEREOF, RECORDED
FEBRUARY 8, 2016 UNDER AUDITOR'S FILE NUMBER 2016-0200775,
RECORDS OF WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: The northwest corner of 19th Street and Main
Street, Lynden.

(Hereafter "Property").

Mr. Bouma has applied to rezone property from Single Family Residential (RS-100) to Residential Multi-Family (RM-2). Said application having come before the City Council of the City of Lynden on November 18, 2019, and the Council having fully and duly considered said application, hereby makes the following:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.01 Application. Gene Bouma, ("Property Owner") filed an application for a site-specific rezone which was accepted by the City as complete and containing all information required by LMC 17.19.010 on April 19, 2019.

1.02 Location. The property is located at the northwest corner of 19th Street and Main Street, Lynden.

1.03 Ownership. Gene Bouma is the Property Owner.

1.04 Request. To rezone property from Single Family Residential (RS-100) to Residential Multi-Family (RM-2).

1.05 Reason for Request. To make effective use of land within the existing city limits where all urban services are available.

1.06 Planning Commission Recommendation. As outlined in Planning Commission Resolution #19-02, the Lynden Planning Commission recommended denial of the rezone application.

1.07 Staff Comments. The Council considered the advisory comments from staff attached as Attachment A hereto.

1.08 Conformance with Criteria for Site Specific Rezones. The rezone application as presented is in conformance with the criteria for granting a site-specific rezone as listed in Section 17.19.050 as follows:

- a. That there has been a significant change in circumstances since approval of the current zoning and warrants reclassification of the subject property as proposed because:
 - i. The Property was formerly part of the campus of the adjacent church. It has never been developed for residential use. Now, the church has been converted to Lynden Academy. It will not be developed for residential use in the foreseeable future. Multi-family housing provides a good transition between the Lynden Academy and nearby single-family homes.
 - ii. The Property is constrained by a utility easement which would make subdivision and development with single family housing difficult. A sewer line runs through the easement, so the easement cannot be easily vacated or relocated. A variance would likely be required to develop the portion of the Property burdened with the easement with single-family housing. Rezoning the Property to multifamily will provide more flexibility and would not require a variance for development.
 - iii. The RS-100 zone was intended to be a zone where middle-income families could afford to purchase a house. Home prices in Lynden have grown more quickly than incomes, hindering the ability of this zone to meet the needs of middle-income families and creating demand for more housing types.
 - iv. Traffic on Main Street has increased significantly since the Property and surrounding area were designated RS-100. Designating the Property as RM-2 provides a buffer between this busy road and single-family housing.
 - v. Transit lines were added on Main Street after the Property and surrounding area were designated as RS-100. The Comprehensive Plan encourages the development of multi-family housing near transit lines.
- b. The proposed site-specific rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s) because:

- i. One of the primary goals states in the Comprehensive Plan is to increase average residential density to five dwelling units per acre in city limits. Section 2.5.4 of the Lynden Comprehensive Plan states, “In order for Lynden to continue to move toward its density targets of 5 dwelling units per acre, it will need to consider methods of increasing density throughout the current city limits....” The rezone provides an opportunity for infill within the City of Lynden to bring the City closer to achieving this goal of five dwelling units per acre.
 - ii. The fourth major goal of the Comprehensive Plan is that Lynden will “Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage the preservation of existing housing.” The rezone would allow the development of more multi-family housing.
 - iii. Locating multi-family housing on an established transit route (WTA bus route) is supported by the City’s Comprehensive Plan - transportation goals.
 - iv. The Property is located in subarea 2, West Lynden Residential. Between 2004 and 2016, 68 single-family homes and two multi-family projects were added in subarea 2. Figure 1.3.2 of the Comprehensive Plan. This is fewer multi-family projects than in any other residential subarea. This fact supports the conclusion that more multi-family housing could be developed in subarea 2.
- c. The project proposal is consistent with the City’s development codes and regulations for the zoning proposed for the project because:
- i. The City’s development code supports infill.
 - ii. Full compliance with all development codes not specifically varied herein shall be required and is achievable for development at the RM-2 density.
- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area because:
- i. Establishment of a low-density multi-family (RM-2) on this parcel acts as transitional zoning adjacent to an arterial street.
 - ii. The rezone offers a housing type which has been successfully integrated into the Main Street corridor. Examples include Wood Creek Manor and Oak Wood Apartments, both of which are in close proximity to the subject property.

- iii. The Oak Wood Apartments are approximately 400 feet east of the Property across Main Street and are zoned RM-4.
 - iv. The block on the southeast corner of 19th and Main Streets (kitty-corner to the Property) is occupied by Wood Creek Manor, a multi-family development zoned RM-3.
 - v. There are additional multi-family developments south of the Property along 19th Street.
 - vi. The Property does not share any property lines with single-family homes.
- e. The proposed site-specific rezone does promote the health, safety, and general welfare of the community because:
- i. The rezone would provide much-needed multi-family housing, ensuring that a variety of housing types are available in Lynden.
 - ii. Development of the Property once rezoned would require only one driveway cut into 19th Street, as opposed to three if the zoning of the Property remains RS-100, which promotes public safety.
 - iii. The rezone will bring people into an area of the city close to amenities, including shopping, Lynden Academy, and transit.

1.09 Public Interest. The application does adequately meet the criteria outlined in LMC 17.19.050.

1.10 SEPA Threshold Determination. Environmental review of the proposal has been made under the requirements of Chapter 197-11 WAC and a Mitigated Determination of Non-Significance has been entered.

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 Council establishes the following conditions:

2. CONDITIONS

Any approval of the Petitioner's application shall be subject to the conditions listed below:

1. There shall be only one driveway for access to the Property. Said driveway shall be to 19th Street, and not Main Street. No vehicular access to the Property shall be made from Main Street.

2. The existing sewer easement which cuts diagonally across the corner of the property may not be impacted, obstructed or reduced in any manner.
3. If future plans include the creation of a condominium, each unit shall be individually metered.
4. Development of the Property shall fully comply with all applicable provisions of the Lynden Municipal Code.

3. DECISION

Petitioner's application for a site-specific rezone and comprehensive plan designation amendment of the Property from Single Family Residential (RS-100) to Residential Multi-Family (RM-2) is hereby **approved** by the Lynden City Council by a vote of 4-1.

DATED: _____

Scott Korthuis, Mayor

ATTACHMENT A ADVISORY COMMENTS

Summary

The property owner is seeking to rezone this property from Single-Family Residential (RS-100) to Multi-Family (RM-2) and has conceptually proposed the construction of two 4-unit multi-family buildings.

Staff recognizes the following opportunities associated with the proposed shift from single-family residential to multi-family residential zoning:

- a. The rezone action would recognize the unique characteristics of this corner parcel which was formerly part of the adjacent church campus and shares no property lines with lots which are or will be used for a single-family home. Additionally, the property is constrained by an existing utility easement.
- b. The rezone provides an opportunity for infill within the City of Lynden and offers a housing type which has been successfully integrated into the Main Street corridor. Examples include Wood Creek Manor and Oak Wood Apartments, both of which are in close proximity to the subject property.
- c. Establishment of a low-density multi-family (RM-2) on this parcel acts as transitional zoning adjacent to an arterial street.
- d. Locating multi-family housing on an established transit route (WTA bus route) is supported by the City's Comprehensive Plan - transportation goals.

Planning Department Comments

2. *Criteria for Approval: 6-24-19 update. Applicant has responded to this comment with written justifications for the proposed rezone. Care should be taken to consider potential impacts to the surrounding properties and the City as a whole and mitigate as needed. This includes additional the potential for additional traffic demands, building scale, and potential conflicts in land use.*

To grant this request, the Planning Commission and City Council must find that the application satisfies each of the criteria listed within Section 17.09.050 of the Lynden Municipal Code:

- a. The current zoning was either approved in error or that a significant change in circumstances since approval of the current zoning warrants reclassification of the subject property as proposed; and

- b. The proposed site-specific rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s); and
- c. The project proposal is consistent with the City's development codes and regulations for the zoning proposed for the project.
- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area; and
- e. The proposed site-specific rezone will promote the health, safety, and general welfare of the community.

Provide a written response to each of these criteria. Responses will be included in the application package reviewed by Planning Commissioners and the City Council.

- 3. *Public Input:* Please note that a number of neighboring property owners have provided written comments on the proposed rezone and are available for review. Staff recommends the applicant be prepared to respond to these comments at the public hearing.

Advisory Comments – Planning Department

- 4. *Zoning Designation - Permitted Uses:* Be advised, Residential Multi-Family (RM-2) allows up to 4-units per building and is subject to the permitted uses and standards as described in LMC 19.17 including a maximum building height of 32 feet.
- 5. *Design Review:* Multi-family construction is subject to Design Review Board approval prior to permit approval.
- 6. *Zoning Buffers and Street Trees:* Per LMC 19.61 a Type IV landscape buffer, 10 feet in width, is required at the perimeter of multi-family properties which border single-family properties. In addition, future development will require compliance with Chapter 18.14.130 regarding street trees and planting strips. These aspects of design must appear in the Design Review Board submittal package.
- 7. *Transportation Impact Fees:* Be advised, transportation impact fees will be due at the time of permit. The current rate of this fee is \$1309.00 per unit.
- 8. *Landscape Bonding:* Be advised, performance and maintenance bonding will be required for the landscape installed at the time of development. This relates to street trees and any required landscape buffer. Bonds are due prior to issuance of final building occupancy.

9. *Environmental Review:* Conditions associated with the SEPA review (SEPA 19-06) which was conducted concurrently with this application will apply to the proposed development.

Advisory Comments - Public Works Department

10. *Infrastructure Improvements:* Be advised, at the time of future development, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards.
11. *Stormwater Management:* At the time of future development, all plans must be designed and constructed in compliance with the Department of Ecology's Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards. Storm drainage report per the City of Lynden and the Department of Ecology standards required.
12. *Stormwater Management:* Be advised, at the time of future development, a stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. An erosion control plan must be included in the drainage plan and construction plans as necessary.
13. *Access:* Access will be permitted to/from 19th Street only. No access on Main Street allowed.
14. *Water:* If future plans include the creation of a condominium, the City recommends that each unit must be individually metered.
15. *Sewer:* The existing sewer easement which cuts diagonally across the corner of the property may not be impacted, obstructed or reduced in any manner.

Advisory Comments - Fire and Life Safety

16. *Fire Code:* Future Development will require full compliance with the Fire Code.
17. *Fire Impact Fees:* Be advised, fire impact fees will be due at the time of permit. The current rate of this fee is \$389.00 per multi-family unit.

Advisory Comments - Parks and Recreation

18. *Park and Trail Amenities:* Future development may require participation and or easements for trail system and parks. Connections to trails and parks will be reviewed at the time of Design Review Board approval.

19. *Park Impact Fees:* Be advised, park impact fees will be due at the time of permit. The current rate of this fee is \$546.00 per multi-family unit.