

ORDINANCE NO. 1597

AN ORDINANCE REZONING CERTAIN REAL PROPERTY IN THE CITY OF LYNDEN, WASHINGTON FROM SINGLE FAMILY RESIDENTIAL (RS-100) TO RESIDENTIAL MULTI-FAMILY (RM-2) AND AMENDING THE COMPREHENSIVE PLAN THEREOF

WHEREAS, on November 18, 2019, the Lynden City Council considered a petition for a site-specific rezone and comprehensive plan amendment for the following property from the RS-100 zone (residential single-family, up to four dwelling units per acre) to the RM-2 zone (residential multi-family, up to four units per building):

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.

SITUATE IN WHATCOM COUNTY, WASHINGTON (Hereinafter, "the Property");
and

WHEREAS, the rezone applicant provided the City with an affidavit on posting the notice of application and public hearing in three locations near the Property, and the receipts for certified mailing of said notice to all property owners within three hundred feet of the Property; and

WHEREAS, the Lynden Planning Commission held a public hearing on July 11, 2019 at the City Hall Annex, 205 4th Street, Lynden, WA, to accept public testimony on the proposed amendment of the comprehensive plan and site-specific rezone, and that meeting was duly recorded; and

WHEREAS, the Planning Commission recommended denial of the rezone request on two grounds: (1) the Planning Commission determined that the applicant did not demonstrate that the application met the criterion of "promoting the health, safety and general welfare of the community; and (2) the Planning Commission determined that it would be more appropriate to consider the zoning of the entire area around the Property, not just the Property itself.

WHEREAS, on November 18, 2019, the Lynden City Council considered the proposed amendment to the comprehensive plan and rezone, and by motion on vote of 4-1, determined to grant the same; and

WHEREAS, the City Council determined (1) that the applicant demonstrated that the proposal meets all five of the criteria for approval of a site-specific rezone in LMC 17.19.050, including that it will promote the health, safety, and general welfare of the community; (2) upon satisfaction of said site-specific rezone criteria, the applicant was entitled to approval; and (3) that it was in the public interest and promoted the health, safety, and general welfare to amend the comprehensive plan in a manner consistent with the site-specific rezone; and

WHEREAS, the City Council of the City of Lynden enters the Findings of Fact, Conclusions of Law, Conditions and Decision attached hereto as Exhibit A;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Lynden as follows:

Section 1: The zoning map of the City of Lynden and Ordinance No. 1519 adopting the zoning map are hereby amended to rezone the Property to RM-2.

Section 2: The rezone is granted pursuant to the conditions listed in the attached Exhibit A hereto.

Section 3. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council this _____ day of December, 2019 and signed by the Mayor on the _____ day of December, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney