

ORDINANCE NO. 1641

AN ORDINANCE REZONING CERTAIN REAL PROPERTY IN THE CITY OF LYNDEN,
FROM SINGLE FAMILY RESIDENTIAL (RS-72) TO INDUSTRIAL BUSINESS ZONE
(IBZ) 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-72 zone (residential single-family) to the IBZ zone (industrial business zone):

HAWLEY-LAWRENCES ADDITION TO LYNDEN LOTS 3-4 BLOCK 19-EXC
NORTHERLY 50 FEET THEREOF AND HAWLEY-LAWRENCES ADDITION TO
LYNDEN NORTHERLY 50-FEET OF LOTS 3-4 BLOCK 19. ALL SITUATE IN
WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: 315 E Grover Street and 205 Hawley Street, Lynden.

WHEREAS, the 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 City's Technical Review Committee has reviewed the request for the Comprehensive Plan Amendment and Rezone and has provided findings, conditions and recommendations to the Planning Commission in a report dated October 8, 2021.

WHEREAS, the Lynden Planning Commission held a virtual public hearing on October 21, 2021, 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 found that the application satisfies the criteria listed within Section 17.09.040 (C) and Section 17.09.050 of the Lynden Municipal Code.

WHEREAS, the Planning Commission recommended approval by a vote of 4-0, to the Lynden City Council of Comprehensive Plan Amendment #21-02 and Rezone #21-01, Vander Giessen Nursery, subject to the Technical Review Committee Report dated October 8, 2021.

WHEREAS, the Washington State Department of Commerce held a 60-day review period from October 22, 2021, to December 21, 2021, to gather state input regarding the proposed amendments and received no objections; and

WHEREAS, on December 20, 2021, the Lynden City Council considered the proposed amendment to the comprehensive plan and rezone, and by motion on vote of 7-0, 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

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. 1641 adopting the zoning map are hereby amended to rezone the Property to IBZ.

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 on January 1, 2022.

PASSED by the City Council this _____ day of December, 2021 and signed by the Mayor on the _____ day of December, 2021.

SCOTT KORTHUIS, MAYOR

ATTEST:

PAM BROWN, CITY CLERK

APPROVED AS TO FORM:

ROBERT CARMICHAEL, CITY ATTORNEY