

ORIGINAL

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #21-07

A resolution of recommendation for approval of Comprehensive Plan Amendment #21-02 and Rezone #21-01, Vander Giessen Nursery to the Lynden City Council.

WHEREAS, David Vos on behalf Vander Giessen Nursey, hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called the "City," for a Comprehensive Plan Amendment and Rezone requesting to change the zoning designation from Residential (RS-72) to Industrial Business Zone (IBZ) at 315 E Grover Street and 205 Hawley Street, Lynden, Washington.

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

WHEREAS, the application was determined to be complete on August 2, 2021, and the notice of application was published in the Lynden Tribune on September 8, 2021; and

WHEREAS, the subject parcels together total approximately 0.32 acres and have property zoned Residential (RS-72) to the west and south, Industrial (IBZ) to the north and east.

WHEREAS, the Lynden Planning Commission held a virtual public hearing on October 21, 2021, to accept public testimony on the proposed Comprehensive Plan Amendment and Rezone, and that meeting was duly recorded;

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, To grant this request, the Planning Commission must find that the application satisfies the criteria listed within Section 17.09.040 (C) of the Lynden Municipal Code.

1. The development is consistent with the comprehensive plan and meets the applicable requirements and intent of this code.
2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds.
3. The development adequately mitigates impacts identified under Titles 16 - 19.
4. The development is beneficial to the public health, safety and welfare and is in the public interest
5. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the

comprehensive plan, and fully complies with Chapter 17.15 of the city code. If the development results in a level of service lower than those set forth in the comprehensive plan, the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development, and in conformance with all requirements in Chapter 17.15 of the city code. For the purpose of this section, "concurrent with the development" is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six years of approval of the development.

6. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development and are proportional to the impacts created by the development.

WHEREAS, Rezones shall be reviewed in light of the City's Comprehensive planning goals. To grant this request, the Planning Commission and City Council must find that the application satisfies 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 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 rezone will promote the health, safety, and general welfare of the community; and

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

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their meeting held the 21st day of October 2021.



Tim Faber, Chairperson,
Lynden Planning Commission



Heidi Gudde, AICP
Planning Director