



October 8, 2021

CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE

STAFF REPORT

Re: The application of Vander Giessen Nursery, Inc. for a Comprehensive Plan Amendment and Rezone for two Lynden parcels.

CPA #21-02, RZ #21-01 Vander Giessen Rezone and Comprehensive Plan Amendment

I. APPLICATION SUMMARY AND RECOMMENDATIONS

Proposal: A Comprehensive Plan Amendment to change the Comprehensive Plan designation of two parcels owned by Vander Giessen Nursery from Residential to Industrial. It would specifically change the zoning of the subject parcels from Residential Single Family 7,200 (RS-72) to Industrial Business Zone (IBZ).

Recommendation: Staff recommends approval of the CPA and Rezone.

II. PRELIMINARY INFORMATION

Applicant: David Vos

Property Owner: Vander Giessen Nursery, Inc.

Property Location: 315 E Grover St, 205 Hawley St

Parcel Number: 4003204924590000 / 4003204904640000

Legal Description: 315 E. Grover: HAWLEY-LAWRENCES ADD TO LYNDEN LOTS 3-4 BLK 19-EXC NLY 50 FT THEREOF

205 Hawley: HAWLEY-LAWRENCES ADD TO LYNDEN NLY 50 FT OF LOTS 3-4 BLK 19

Notice Information:

Application Submitted:	June 18, 2021
Notice of Application:	September 8, 2021
Notice of SEPA determination:	August 11, 2021

Vander Giessen Nursery Comprehensive Plan Amendment and Rezone – TRC Report

Notice of Hearing: September 8, 2021
Comment Period Ending: October 20, 2021

SEPA Review: Lynden SEPA #21-11. Mitigated Determination of Non-Significance (MDNS) issued August 6, 2021

Authorizing Codes, Policies, and Plans:

- RCW 35A.63.073 Comprehensive Plan – Amendments and Modifications
- RCW 36.70A Growth Management
 - RCW 36.70A.130 Comprehensive Plans
- LMC Chapter 2.08.140 Plan adoption – Amendment authorized
- LMC Chapter 19 Zoning
 - LMC 19.03 Comprehensive Plan
 - LMC 19.09 Maps and District Boundaries
- LMC Chapter 17.09.030 – Legislative Decisions
 - LMC 17.19 – Site Specific Rezones

III. PROJECT DESCRIPTION

A Comprehensive Plan Amendment to change the Comprehensive Plan designation of two parcels owned by Vander Giessen Nursery from Residential to Industrial. It would specifically change the zoning of the subject parcels from Residential Single Family 7,200 (RS-72) to Industrial Business Zone (IBZ).

IV. PUBLIC NOTICE AND COMMENT

Notice of Application: Formal legal notice for this application was published in the Lynden Tribune on September 8, 2021

Notice of SEPA determination: Formal notice of the SEPA Determination (MDNS) was published in the Lynden Tribune on August 11, 2021 and mailed to neighbors within 300 ft of the property. The comment period for the SEPA determination expired on August 25, 2021.

Public Comment Received:

The city received comment from the Lummi Nation stating that, based on their review a full archaeological assessment is not recommended. The applicant, though, should

develop an Inadvertent Discovery Plan in the case that cultural resources are encountered during any future ground disturbing activity.

V. ANALYSIS AND CONSISTENCY WITH REGULATIONS

The first step in evaluating this application is to determine whether or not the Comprehensive Plan should be amended. The application materials included in the package provide a number of questions relating to consistency with the Growth Management Act, the City’s Comprehensive Plan and the change within the community that could necessitate such a change in the City’s plan. The **second step** in the process will be to evaluate the rezone request.

COMPREHENSIVE PLAN AMENDMENT – FIRST STEP

A. This question in the Comprehensive Plan Amendment application asks the proponent to describe how the proposal is consistent with the Growth Management Act and the City’s Comprehensive Plan.

The applicant has provided the following response: *The goals of the Comprehensive Plan include the commitment to ensure the “future economic health of the City and to create a business friendly atmosphere” as well as “maintain[ing] a positive business climate that is consistent, responsive to the needs of the business community, and affordable to business owners.” Rezone of this property will allow the continued health and growth of Vander Giessen Nursery on property immediately adjacent to the location where the nursery has operated for 83 years, consistent with these goals.*

One of the goals of the State Growth Management Act is to “encourage economic development...consistent with adopted comprehensive plans” and “promote the retention and expansion of existing businesses.” Allowing this amendment would ensure further expansion of Lynden’s only nursery and garden center, consistent with these goals.

B. This question involves a change in circumstances within the community since the adoption of the comprehensive plan that would justify the proposed request.

The applicant has provided the following response: *Nobody can deny that Lynden is growing rapidly, and while such was true at the time the current Comprehensive Plan was adopted in 2016, it is even more so today. Lynden’s growth—and subsequent demand for plants to meet homeowner needs and desires—necessitates additional*

industrial and commercial-type space for growing and retailing nursery products and plants. With a disproportionate amount of land currently in use for residential relative to commercial space, changing the use and zoning of these two parcels would add a small amount of much-needed additional commercial/light industrial land within Lynden to meet consumer needs. Additionally, Lynden's only other nursery closed in 2013 and was redeveloped into many residential lots off Northwood Road, further justifying the need to increase land use for nursery and garden center retailing.

C. This question relates to assumptions that were made during the past comprehensive planning cycle.

The applicant has provided the following response: *The underlying assumptions found in the comprehensive plan have not changed significantly. However, the 2016 Whatcom County Land Capacity Analysis showed a deficit of employment growth capacity within Lynden, indicating a need for more land to be used for business purposes. Changing the Comprehensive Plan for these parcels to industrial use (IBZ zoning) would open up more land for business use (to be used by Vander Giessen Nursery) on property consistent with uses and zoning of adjacent and nearby properties.*

D. Does the proposed amendment promote a more desirable land use pattern as stated in the goals and policies of the comprehensive plan.

The applicant has provided the following response:

Yes—the proposed amendment would promote a more desirable land use for the community. As Lynden continues to grow on the northeast side of town, East Grover Street is one of the busiest roads in Lynden, making the single-family residence on 315 E. Grover St less desirable as such with each passing year. Amending the comprehensive plan to use this property for commercial use would also be consistent with the goal to promote economic vitality.

There are no environmental constraints affecting either the current or proposed land use.

E. This question within the application materials asks about the impacts to current uses in the area and measures to ensure compatibility within the area.

The applicant has provided the following response: *The proposed amendment would have limited impact on the current use of other properties in the vicinity. Being bounded on the south by busy E. Grover Street, neighbors across E. Grover would see essentially no impact.*

Vander Giessen Nursery Comprehensive Plan Amendment and Rezone – TRC Report

Neighboring properties to the east and north are already designated and zoned for industrial and commercial use (IBZ) and are owned and used for nursery purposes by Vander Giessen Nursery. The proposed amendment would have only positive impact on those properties.

The only adjacent property that may be affected is the single-family residence immediately to the west of the proposed amendment facing E. Grover St. Any significant changes to 315 E. Grover in the future will require (per city code) proper fencing and/or landscape buffer.

F. How will the public interest be served by this amendment? The applicant has provided the following response: *As Lynden continues to grow, businesses that provide for the wants and needs of its residents must be encouraged to grow as well. Allowing this amendment will provide for the economic vitality and future expansion of Vander Giessen Nursery--Lynden's only nursery and garden center—to meet the needs of a growing community.*

REZONE- SECOND STEP

1. *Criteria for Approval:* 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.

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.

VI. TECHNICAL REVIEW COMMITTEE COMMENTS

Planning Department Comments

1. *Approval Criteria:* Although staff does not concur with the applicant's general assessment that the City is in great need of commercial property relative to residential growth (criteria B above), staff agrees that this property provides a great opportunity to grow a local business in a centralized location of the City. Additionally, staff acknowledges and appreciates the thoughtful responses to the approval criteria.
2. *Transportation:* Applicant has been advised that future development will be required to provide access to existing public rights of way in a method which does not unduly burden the existing surrounding properties. Participation in the mitigation of transportation impacts will be required at the time of development.
3. *Proposed Uses:* Applicant has been advised that future industrial uses are subject to the provision of LMC 19.25 which include, but are not limited to, permitted uses, setbacks, and height limits.
4. *Industrial Performance Standards:* Applicant has been advised that industrial uses are subject to performance standards as outlined in LMC 19.25.040 and 19.25.050.

Public Works Department Comments

5. *Public Improvements:* The applicant has been advised that at the time of future development, all public improvements must be constructed as required in the Lynden Municipal Code.
6. *Development Standards:* The applicant has been advised that 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.

Vander Giessen Nursery Comprehensive Plan Amendment and Rezone – TRC Report

7. *Stormwater Management:* The applicant has been 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.

Fire and Life Safety Comments

8. *Fire Standards:* Future Development will require full compliance with the Fire Code.

Parks and Recreation Comments – The Parks Department has no comments on this application.

VII. RECOMMENDATION

Based on the above findings, staff recommends approval of the Comprehensive Plan Amendment and Rezone without associated conditions of approval.