

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #23-01

A resolution of recommendation for denial of Rezone #23-01, Klinton and Narissa Moa to the Lynden City Council.

WHEREAS, Klinton and Narissa Moa, hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called the "City," for a Rezone requesting to change the zoning designation from Residential Single Family (RS-100) to Multi-Family Residential (RM-1) at 1181, 1183 and 1185 E Grover Street, Lynden, Washington; and

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, As per LMC 17.19.030 (B), site specific rezones that result in a density of five or more residential units per acre or the rezone of residential land to commercial or industrial zoning require that a sign be installed which includes the following information: a map illustrating the area to be rezoned, the project number, brief description of the proposal, agents phone number, and the contact number for the Planning Department; and

WHEREAS, the application was determined to be complete on January 23, 2023, and the notice of application was published in the Lynden Tribune on February 8, 2023; and

WHEREAS, the subject parcel totals approximately 30,376 square feet and has property zoned residential single family (RS-100) to the north and east, and west and Residential Multi-Family (RM-3) to the south across East Grover Street; and

WHEREAS, the Lynden Planning Commission held a public hearing on March 9, 2023, and accepted public testimony on the proposed Rezone, and that meeting was duly recorded; and

WHEREAS, the City's Technical Review Committee has reviewed the request for the Rezone and has provided findings, conditions, and recommendations to the Planning Commission in a report dated February 22, 2023.

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 17.19.050** 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; **No. The Commission found no significant change in circumstance or error in zoning. Property surrounding the subject property remains RS-100 and a market demand for single family parcels remains.**
- b. The proposed rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s); **No. Since at least 1978, the Comprehensive Plan has identified this parcel as single family. The Commission agreed that the Comprehensive Plan has been reviewed several times and this parcel has not been considered for a shift in density or zoning.**
- c. The project proposal is consistent with the City's development codes and regulations for the zoning proposed for the project. **Yes, the property is configured in such a way that existing uses could be made compliant and future uses constructed consistent with codes and regulations.**
- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area. **Yes. Although the adjacent uses are single-family residences, there is multi-family zoning across the street.**
- e. The proposed rezone will promote the health, safety, and general welfare of the community; **No. The Commission expressed safety concerns regarding the parcels location on the curve of East Grover Street. There was originally 1 single family home exiting on this site, now there could be a potential for 6 units in a dangerous location.**

WHEREAS, further review of the criteria listed within Section **17.09.040 (C)** of the Lynden Municipal Code was not required as the Planning Commission found that the application did not meet the criteria listed under LMC 17.19.050.

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend denial by a vote of 4-0, to the Lynden City Council of Rezone #23-01, Clinton and Narissa Moa.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their meeting held the 9th day of March 2023.



Tim Faber, Chairperson,
Lynden Planning Commission



Heidi Gudde, AICP
Planning Director