

ORDINANCE NO. 1655

**AN ORDINANCE REZONING CERTAIN REAL PROPERTY
IN THE CITY OF LYNDEN, FROM COMMERCIAL (CSR) AND INDUSTRIAL (IBZ) TO
INDUSTRIAL (CSR) AND AMENDING THE COMPREHENSIVE PLAN THEREOF**

WHEREAS, on December 5, 2022, the Lynden City Council considered an application for a site-specific rezone and comprehensive plan amendment for the following property from the from commercial (CSR) and industrial (IBZ) to industrial (ID).

LOT 1, BEDLINGTON-BARGEN LOT LINE ADJUSTMENT, RECORDED UNDER
AUDITOR'S FILE NUMBER 2018-0300567, RECORDS OF WHATCOM COUNTY
WASHINGTON. ALL SITUATE IN WHATCOM COUNTY, WASHINGTON

COMMONLY DESCRIBED AS: 2122 Front Street, Lynden.

WHEREAS, the property currently maintains split land use and zoning designations of both Commercial with a zoning of CSR, and industrial with a zoning IBZ; and

WHEREAS, the property owner desires to create uniform land use and zoning across the parcel; and

WHEREAS, the property owner intends to add the subject property to the existing campus of the Lynden Door, Inc manufacturing facility; and

WHEREAS, the requested land use designation of Industrial and the proposed zoning of Industrial District (ID), which allows for uses such as manufacturing and trucking, is consistent with surrounding property uses, and appropriate for the expansion of the Lynden Door facility; and

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 September 12, 2022; and

WHEREAS, the Lynden Planning Commission held a public hearing on September 22, 2022, 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 both the application for the amendment to the Land Use Map of the Comprehensive Plan application 22-02 and the Site Specific

Rezone application 22-01 satisfies the criteria listed within Section 17.09.040(C) and 17.19.050 of the Lynden Municipal Code in that:

1. The proposal is consistent with the Comprehensive Plan and the West Lynden Sub-area which has been recognized as the City's primary location for industries such as manufacturing. Access to truck routes from this site are efficient and safe.
2. Industrial infrastructure expansion into this area including streets, water supply, and sanitary waste disposal is feasible. Additionally, construction on the subject property will trigger the payment of impact fees related to parks and fire services.
3. Future development on the subject property will be held to the City's development standards as outlined in LMC Chapters 16-19.
4. The proposal, which clears the path for additional industrial growth, is not detrimental to public health in that it promotes industrial use in the area best suited for the associated impacts and will not significantly impact residential neighborhoods or environmentally sensitive areas.
5. The development of the subject property will mitigate for transportation, fire, and park impacts through roadway improvements and/or the payment of impacts fees.
6. Any impacts created by future develop can be reasonably mitigated by onsite improvements; and

WHEREAS, the Planning Commission found that both the application for Site Specific Rezone application 22-01 satisfies the criteria listed within Section 17.19.050 of the Lynden Municipal Code in that:

1. A significant change in circumstances related to the need for commercially zoned properties warrants reclassification of the subject property as proposed. In addition, since its original zoning assignment, nearby properties have successfully developed with industrial uses such as the Lynden Door facility.
2. The proposed site-specific rezone is consistent with the City Comprehensive plan as the West Lynden Sub-Area, where the subject property is located, is recognized as the primary location for industrial growth.
3. The proposal is consistent with the City's development codes a no
4. The proposed site-specific rezone is compatible with the existing land uses which are primarily other industrial uses, agriculture, or large-scale retail.
5. The proposal will promote the health, safety, and general welfare of the community in that it facilitates the continued expansion of the City's infrastructure per the engineering design standards, it provides industrial job opportunities, and it supports industrial growth in an area that avoids conflict with residential and more sensitive uses.

WHEREAS, the Planning Commission recommended approval by a vote of 6-0, to the Lynden City Council of Comprehensive Plan Amendment #22-02 and Rezone #22-01,

Lynden Door / JD Barga Industries LLC, subject to the Technical Review Committee Report dated September 12, 2022.

WHEREAS, the Washington State Department of Commerce held a 60-day review period from September 23, 2022, to November 22, 2022, to gather state input regarding the proposed amendments and received no objections; and

WHEREAS, on December 19, 2022, 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 found that the proposal meets the criteria for approval of an amendment to the Comprehensive Plan's Land Use Map and a corresponding site-specific rezone.

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

Section 1. Land Use Map within the City of Lynden Comprehensive Plan is hereby amended to reflect the subject property entirely within the Industrial Land Use category.

Section 2: The zoning map of the City of Lynden and Ordinance No. 1655 adopting the zoning map are hereby amended to rezone the Property to Industrial (ID).

Section 3. This ordinance shall be in full force and effect on January 1, 2023.

PASSED by the City Council this _____ day of December, 2022 and signed by the Mayor on the _____ day of December, 2022.

SCOTT KORTHUIS, MAYOR

ATTEST:

PAM BROWN, CITY CLERK

APPROVED AS TO FORM:

ROBERT CARMICHAEL, CITY ATTORNEY