

## **ORDINANCE NO. 1656**

### **AN ORDINANCE AMENDING SECTION 2.3 AND 2.5 OF THE CITY OF LYNDEN COMPREHENSIVE PLAN AND CORRESPONDING UPDATES TO THE ZONING MAP, SUB-AREA MAP, AND FUTURE LAND USE MAP**

WHEREAS, on December 20, 2021, in recognition of the need to address the City's mixed-use code provisions to better serve the good of the community and the original intent of the code, the City Council passed Ordinance 1642 which established a moratorium on residential development within the City's Commercial Services - Local (CSL) zone and temporarily halted the development of mixed-use projects; and

WHEREAS, the City of Lynden's Planning Department has since advanced an initiative to update the City's ordinance associated with mixed-use provisions with the intent of locating mixed-use developments, which often feature high density housing options, in areas near public transportation and commercial development to encourage more viable opportunities for new and existing commercial uses within the mixed-use developments; and

WHEREAS, the Comprehensive Plan Amendment identifies a Mixed Use Overlay zone and identifies existing commercial centers as Qualifying Commercial Centers, and in recognition of changing market conditions, the initiative also modifies the zoning designation of multiple commercial properties within the City of Lynden, revises the boundaries shown in the City's Subarea Map, updates text, and revises the Future Land Use Map of Urban Growth Area properties south of the Birch Bay Lynden Road; and

WHEREAS, staff has worked with relevant interest groups, property owners, and policy makers to construct the development standards associated with the new mixed-use overlay (LMC 19.23.110 Mixed Use Overlay) to the existing Chapter 19 of the Lynden Municipal Code which are represented in Ordinance 1657; and

WHEREAS, the mixed-use initiative increases the housing densities near commercial centers, the changes proposed to the Future Land Use Map correspondingly decreases medium-density residential properties south of Birch Bay Lynden Road to low-density residential and revises approximately 40 acres of commercial designation to an industrial land use designation in response to changes in market demand; and

WHEREAS, to provide incentive to define and delineate the appropriate future development in these areas, consistent with the mixed-use initiative, the Subarea Map revisions realign the boundaries of the West Lynden Subarea and creates a new West Lynden Gateway Subarea, and a new West Lynden Commerce Subarea; and

WHEREAS, a related Text Amendment to Section 2.5.5 of the Comprehensive Plan describes the Subarea Map changes; and

WHEREAS, the Zoning Map revisions reflect the changes associated with the Rezone Application to change the zoning designation of certain commercial properties to residential and industrial zoning designations. The proposed zoning changes seek to change unviable commercial properties, which due to scale and/or distance from an established commercial center will not be eligible for the Mixed-Use Overlay; 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 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 6-1, to the Lynden City Council of Comprehensive Plan Amendment 22-01 and Rezone 22-02, for the City of Lynden, regarding Mixed Use Development Updates, Land Use Map, Future Land Use Map, Zoning Map, Subarea Map and Text Amendment as proposed and further recommended that the 40 acres south of Birch Bay Lynden Road shown on the proposed future land use map as industrial land use be changed to residential, low-density land use; and

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 an application brought forward by the Planning Department for a text amendment to Sections 2.3 and 2.5 of the City of Lynden Comprehensive Plan and corresponding updates to the zoning map, sub-area map, and future land use map;

WHEREAS, 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, as presented, with the west 40 acres of private UGA property south of the Birch Bay Lynden Road receiving a Future Land Use designation of "Industrial"; and

WHEREAS, the City Council determined that the proposal was in the public interest and promoted the health, safety, and general welfare.

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

Section 1: Amendment to the City of Lynden Comprehensive Plan, Section 2.3 – “UGA existing conditions: The Built Environment” to recognize the newly created Mixed-Use Overlay and identify Qualifying Commercial Centers as described in Exhibit A.

Section 2: Repeal and replace Section 2.5.5 – “City of Lynden Sub-Areas” of the City of Lynden Comprehensive Plan to update text on sub-area descriptions, accommodate a new sub-area called the “West Gateway Subarea” and revise the boundaries of the existing sub-areas as described in Exhibit B1 and B2.

Section 3: Amend the zoning map of the City of Lynden consistent with the mixed-use overlay initiative as depicted in Exhibit C.

Section 4: To revise Figure 2.5.4 - “Future Land Use in Lynden’s UGA” of the Comprehensive Plan to revise the assigned future land use categories of privately owned properties south of the Birch Bay Lynden Road from Medium-Density Residential and Commercial to Low-Density Residential and Industrial as depicted in Exhibit D.

Section 5: Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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.

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SCOTT KORTHUIS, MAYOR

ATTEST:

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PAM BROWN, CITY CLERK

APPROVED AS TO FORM:

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ROBERT CARMICHAEL, CITY ATTORNEY