

ORDINANCE NO. 1647

AN ORDINANCE REZONING CERTAIN REAL PROPERTY IN THE CITY OF LYNDEN, FROM INDUSTRIAL (I-1) TO COMMERCIAL SHOPPING (CS-1) AND AMENDING THE COMPREHENSIVE PLAN THEREOF

WHEREAS, on November 3, 2008, the Lynden City Council considered a petition for a site-specific rezone and comprehensive plan amendment for the following property from the Industrial (I-1) to Commercial Shopping (CS-1).

SECTION 20, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M. LEGALLY DESCRIBED AS LOTS 5, 6, 7, AND 8, IN BLOCK 23 OF HAWLEY LAWRENCE'S ADDITION TO LYNDEN, TOGETHER WITH THE SOUTH HALF OF VACATED ALLEY BETWEEN LOTS 5 THROUGH 8. SITUATED IN WHATCOM COUNTY WASHINGTON.

Parcel Numbers: 400320-384442, 400320-379442, 400320-374442, 400320-368442

COMMONLY DESCRIBED AS: 100, 104, 110 and 114 Main Street, Lynden.

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 4, 2008.

WHEREAS, the Lynden Planning Commission held a public hearing on September 18, 2008, 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 6-0, to the Lynden City Council of Comprehensive Plan Amendment and Rezone #08-01, Main Street, subject to the Technical Review Committee Report dated September 4, 2008.

WHEREAS, on November 3, 2008, the Lynden City Council considered the proposed rezone and amendment to the comprehensive plan, and by motion on vote of 6-0, determined to grant the same; and

WHEREAS, the City Council determined (1) that the applicant demonstrated that the proposal meets all five of the criteria for approval of a site-specific rezone in LMC

17.19.050, including that it will promote the health, safety, and general welfare of the community; (2) upon satisfaction of said site-specific rezone criteria, the applicant was entitled to approval; and (3) that it was in the public interest and promoted the health, safety, and general welfare to amend the comprehensive plan in a manner consistent with the site-specific rezone; and

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

Section 1: The zoning map of the City of Lynden and Ordinance No. 1647 adopting the zoning map are hereby amended to rezone the Property to CS-1.

Section 2: The comprehensive plan amendment and rezone are granted pursuant to the conditions listed in the attached Exhibit A hereto.

Section 3. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effective immediately.

PASSED by the City Council this _____ day of July 18, 2022 and signed by the Mayor on the _____ day of July 2022.

SCOTT KORTHUIS, MAYOR

ATTEST:

PAM BROWN, CITY CLERK

APPROVED AS TO FORM:

ROBERT CARMICHAEL, CITY ATTORNEY