



September 16, 2024

CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE

STAFF REPORT

Re: The application of JWR Design, Inc.
Agent for First Reformed Church for a
Comprehensive Plan Amendment and
Rezone.

CPA #24-02, RZ #24-02, First
Reformed Church Rezone and
Comprehensive Plan Amendment

I. APPLICATION SUMMARY AND RECOMMENDATIONS

Proposal: A Comprehensive Plan Amendment to change the Comprehensive Plan designation of a parcel owned by the First Reformed Church from Residential to Commercial. It would specifically change the zoning of the subject parcel from Residential Multi-Family (RM-2) to Local Commercial Services (CSL).

Recommendation: Staff recommends approval of the CPA and Rezone.

II. PRELIMINARY INFORMATION

Applicant: Jerry Roetcisoender, JWR Design, Inc. Agent for the First Reformed Church

Property Owner: First Reformed Church

Property Location: 610 Grover Street, Lynden

Recording Number: 2024-0801118

Legal Description: LOT A OF THE FIRST REFORMED CHURCH OF LYNDEN LOT LINE ADJUSTMENT / LOT CONSOLIDATION, AS PER THE MAP THEREOF, RECORDED IN THE AUDITOR'S OFFICE OF WHATCOM COUNTY, WASHINGTON. ALL SITUATE IN WHATCOM COUNTY, WASHINGTON. SUBJECT TO AND TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENT OF RECORD.

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Notice Information:

Application Submitted:	June 28, 2024
Notice of Application:	September 11, 2024
Notice of SEPA determination:	September 11, 2024
Notice of Hearing:	September 11, 2024
Comment Period Ending:	September 25, 2024

SEPA Review: Lynden SEPA #24-06. Mitigated Determination of Non-Significance (MDNS) issued September 6, 2024

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 19.23 Commercial Services Zone
- LMC Chapter 17.09.030 – Legislative Decisions
 - LMC 17.19 – Site Specific Rezones
- LMC Chapter 16 Environmental Policy

III. PROJECT DESCRIPTION

A Comprehensive Plan Amendment to change the Comprehensive Plan designation of a parcel owned by the First Reformed Church from Residential to Commercial. It would specifically change the zoning of the subject parcel from Residential Multi-Family (RM-2) to Local Commercial Services (CSL).

IV. PUBLIC NOTICE AND COMMENT

Notice of Application: Formal legal notice for this CPA/RZ application was published in the Lynden Tribune on September 11, 2024.

Notice of SEPA determination: Formal notice of the SEPA Determination (DNS) was published in the Lynden Tribune on September 11, 2024, and mailed to neighbors within

300 ft of the property. The comment period for the SEPA determination expired on September 25, 2024.

Public Comment Received:

None.

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: *This property is currently being utilized as a parking area for First Reformed Church, as approved under a conditional use permit. This parcel also borders commercial designations and is a natural extension of the use in this area.*

- 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: *There is an approved conditional use permit that reviewed the parcel to be used for a parking lot and Youth / Multipurpose building to complement the neighboring parcel to the south, which is the main church meeting area for First Reformed Church. A commercial zoning designation is consistent with the previously approved use through the conditional use process.*

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

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The applicant has provided the following response: *This area is bordered by other parcels with commercial use and as time has passed this parcel would also serve Lynden best in a commercial capacity. As First Reformed Church and the community have grown, the necessity of a commercial space has increased.*

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: *The current development on the parcel and the neighboring parcels are conducive to a commercial designation. The flat topography and current parking lot utilize the original topography well. The intent of the multi-purpose building that will be built in the future, while owned and operated by First Reformed Church, will be used and benefit the two churches to the north of our site.*

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 properties to the south and east are also zoned commercial, which would be compatible with the proposed amendment.*

F. How will the public interest be served by this amendment? The applicant has provided the following response: *The amendment would allow First Reformed Church to serve the public with a facility and events that are well-suited to the neighboring properties and activities in the vicinity.*

REZONE- SECOND STEP

1. *Criteria for Approval:* The 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

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- 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:* Staff agrees that the
 - a. Circumstances on this property have changed since it was zoned residentially, that is, the property has become part of the church's campus and use has been converted to accommodate its programming and parking. The design regulations associated with residential development are not the best fit for institutional development and a shift to commercial zoning, which is consistent with adjacent properties to the south and east, would be more appropriate.
 - b. Shifting the Subject Property to a commercial use and zoning is consistent with the City's comprehensive plan and sub-area plan as the Central Lynden Sub-area is characterized in Section 2.5.5 as having a mix of uses that include older homes and a diversity of retail and, among other things, professional offices, dining establishments, multiple church campuses and many of the City's public facility which provide a broad range of scale and density on a traditional grid street-layout. Designating the Subject Property as commercial is consistent with those properties to the south and east of this location.
 - c. The current uses on the Subject Property are consistent with the City's development codes in that the primary functions of the church operate on portions of the property that are zoned commercially and those that are

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zoned residential are supporting uses. Modifying the full campus to the same land use and zoning create more consistency with development regulations as commercial regulations allow for more building height and smaller setbacks consistent with the church facilities.

- d. The proposed change to the Subject Property is compatible with the surrounding uses in the properties to the east and south are already zoned commercially and the facility is located on the Grover Street corridor which, in this area, is commercial in nature.
 - e. The proposed revision will not be detrimental to the community. The visible changes to the property will be negligible in the use as a church campus will not change except that the revision to the code will allow for commercial standards to be used for the construction of updated facilities. New facilities that accessory to the church will benefit the congregation and the community as a whole.
- 2. *Transportation:* The applicant is aware that mitigation of transportation impacts may be required at the time of development.
 - 3. *Proposed Uses:* Applicant has been advised that future uses are subject to the provision of LMC 19.23 which include, but are not limited to, permitted uses, setbacks, and height limits as well as LMC 19.57.200 – 19.57.250 regarding Conditional Use Permits.

Public Works Department Comments

- 4. *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.
- 5. *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.
- 6. *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

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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

7. *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.