



September 16, 2024

### CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE

#### STAFF REPORT

Re: The application of the City of Lynden for a Comprehensive Plan Amendment and Rezone.

CPA #24-01, RZ #24-01 School Yard Park, 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 City of Lynden from Residential to Public Use. It would specifically change the zoning of the subject parcel from Residential Multi-Family (RM-2) to Public Use (PU).

Recommendation: Staff recommends approval of the CPA and Rezone.

#### II. PRELIMINARY INFORMATION

Applicant: Dave Timmer, City Planner, City of Lynden

Property Owner: City of Lynden

Property Location: 700 Edson Street, Lynden

Parcel Number: 400320-142393

Legal Description: SUPPLEMENTAL AND CORRECTED PLAT OF LYNDEN LOTS 1 THRU 10 BLOCK 32 AND LOTS 1 THRU 10 BLOCK 33, TOGETHER WITH VACATED STREETS – ALLEYS. ALL SITUATE IN WHATCOM COUNTY, WASHINGTON.

<u>Notice Information:</u>	Application Submitted:	June 17, 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

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SEPA Review: Lynden SEPA #24-09. Determination of Non-Significance (DNS) 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 19.27 Public Use 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 City of Lynden from Residential to Public Use. This will specifically shift the zoning of the property from Residential Multi-Family (RM-2) to Public Use (PU).

### **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: *The City's Comprehensive Plan places a strong emphasis on high quality park lands and the preservation of open space and community gathering places. It also encourages the recognition of historic properties. The Schoolyard Park property is a former school district property which was purchased by the City with funds raised by community members for the purpose of a park. In general, schools tend to be on residentially zoned property and operate as a school with a Conditional Use Permit. No longer being a school property, this CPA and rezone proposal seeks to align the designated land use and zoning with the publicly owned park property as it is now.*

**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: *The subject property was donated by Phoebe and Holden Judson in the late 1800s to house the City's first school building. When the city eventually adopted zoning categories, schools were generally zoned residential (as schools tend to be in residential neighborhoods). The school building was eventually removed from the property when the middle school was in operation across the street. When Lynden citizens passed a school bond (2015) to replace the middle school in a different location, this property became surplus. A group of Lynden residents raised funds and secured a contribution from the City of Lynden to purchase the property from the School District for a public park. This amendment is meant to align the park use with the public land use designation and Public Use zoning.*

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

The applicant has provided the following response: *Assumptions have not changed. The amendment is simply an effort to align the land use designation and zoning with the park use which the property is being developed as.*

**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: *While the park property does remove potential housing land from the City, parks benefit everyone, and this park property preserves unique open space in the city. The future park amenities will benefit the neighborhood and City in general - providing park amenities such as play structures, gathering places, open space, pathways, and trees.*

**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 park property benefits the neighborhood by providing a well thought out and designed urban park in the City's urban core.*

**F. How will the public interest be served by this amendment?** The applicant has provided the following response: *The property is a park property benefiting all residents and visitors to Lynden. The amendment does not change the use, it simply aligns the use with the public use designation and zoning which is the most logical designation for the park property.*

**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:

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- 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
- 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 this property if developed as a park, will benefit the neighborhood and City in general - providing park amenities such as play structures, gathering places, open space, pathways, and trees
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 public uses are subject to the provision of LMC 19.27 which include, but are not limited to, permitted uses, setbacks, and height limits.

### **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.

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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 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.