

ORDINANCE NO. 24-1699

AN ORDINANCE REZONING CERTAIN REAL PROPERTY IN THE CITY OF LYNDEN, FROM RESIDENTIAL MULTI-FAMILY (RM-2) TO LOCAL COMMERCIAL SERVICES (CSL) AND AMENDING THE COMPREHENSIVE PLAN THEREOF

WHEREAS, on December 2, 2024, the Lynden City Council considered an application for a site-specific rezone and comprehensive plan amendment (CPA) for the following property from Residential Multi-Family (RM-2) to Local Commercial Services (CSL)

LOT A OF THE FIRST REFORMED CHURCH OF LYNDEN LOT LINE ADJUSTMENT, 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.

COMMONLY DESCRIBED AS: 209 and 215 6th Street, 611 Liberty Street, and 214 7th Street, Lynden.

WHEREAS, the subject property, comprising approximately 0.8 acres, are owned by First Reformed Church and connected to their primary church facilities addressed as 610 Grover Street; and

WHEREAS, the Proponent currently uses the subject property for parking and utilizes the existing residential structures as supporting amenities to the church function; and

WHEREAS, over the course of the review period of the CPA application 24-02 and Rezone 24-02 the Proponent has consolidated the Subject Parcels through Lot Line Adjustment application 24-03 and the resulting legal description of the Subject Parcels became "Lot A of the First Reformed Church Lot Line Adjustment / Lot Consolidation, Situate in Whatcom County, Washington"; and

WHEREAS, the Proponent intends to remove the two existing residential structures and more fully utilize the subject parcels by constructing a multi-use center for the benefit of their church congregation; and

WHEREAS, a revision to the land use and zoning designations will create consistency by matching the zoning category of their primary church parcel and will allow new construction to more fully utilize the space by adhering to commercial zoning regulations rather than residential regulations; and

WHEREAS, the applicant provided the City with an affidavit of posting for 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 in a report dated September 16, 2024; and

WHEREAS, the Lynden Planning Commission held a public hearing on September 26, 2024, to accept public testimony on the proposed amendment of the comprehensive plan and site-specific rezone, and that meeting was duly recorded; and

WHEREAS, to grant this request, the Planning Commission must find that the application satisfies the criteria listed within Section **17.09.040 (C)** of the Lynden Municipal Code. "The development" in this case being the revision to the land use and zoning, which, on their own, do not create impacts but allow for the proposed development to move forward. That is:

1. The development is consistent with the comprehensive plan and meets the applicable requirements and intent of this code by supporting a mix of uses in the central core of the city. It allows for the parcels to be more fully utilized as amenities to the church campus by applying commercial rather than residential standards.
2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds. Provisions, including the payment of impact fees and service connection charges will be applied at the time of construction.
3. The development adequately mitigates impacts identified under Titles 16 - 19. Although the revision to the land use and zoning designations have little impact, the future development of the subject parcels will be subject to the provisions outlined in Titles 16-18 which covers critical areas, subdivision, zoning and design regulations.
4. The development is beneficial to the public health, safety and welfare and is in the public interest in that future construction of the proposed church facilities will replace aging structures and enhance a community presence by providing amenities to the church members and larger community.
5. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan, and fully complies with Chapter 17.15 of the city code. Although the future development of the subject parcels will likely increase traffic in the area it is not expected to trigger impacts which would lower the level of service in this area in regard to transportation or park facilities.

6. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development and are proportional to the impacts created by the development. In this case the subject parcels are adjacent to the existing commercial core of the city and a commercial standard is reasonable. Impacts of the future development are mitigated as construction will be focused on the easterly side of the property adjacent to commercial sections of the city.

WHEREAS, rezones shall be reviewed in light of the City's Comprehensive planning goals. To grant this request, the Planning Commission and City Council must find that the application satisfies the criteria listed within **Section 17.09.050** of the Lynden Municipal Code.

1. The standard states that 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. In this case the property was historically used for residences but over time circumstances have changes as the Proponent has had the means to acquire these properties and incorporate them into the facilities campus; and
2. The standard requires that the proposed rezone be consistent with the City's comprehensive plan and applicable sub-area plan(s) which was found to be true as the Comprehensive Plan and the Central Lynden Subarea recognize that a wide mix of uses make up the core of the City including those associated with worship facilities; and
3. The standard requires that the project proposal be consistent with the City's development codes and regulations for the zoning proposed for the project. In this case the regulations associated with Commercial zoning were found to be a better fit for the future development of the church campus and, at the desired scale, will be of most use to the church and the community.
4. The proposed site-specific rezone was found to be compatible with existing uses and zoning in the surrounding area as the property is adjacent to commercially zoned properties on two sides and shares this city block with another church facility; and
5. The standard requires that the proposed rezone would promote the health, safety, and general welfare of the community. The rezone will allow the Proponent to more fully utilize the property they own within the central city core by building to utilizing commercial regulations rather than residential. This promotes the welfare of the community by supporting infill and expanding community services at the heart of the city; and

WHEREAS, the Planning Commission recommended approval by a vote of 4-0, to the City Council, Comprehensive Plan Amendment 24-02 and Rezone 24-02 revising the subject parcels owned by the First Reformed Church to a Commercial land use and a

zoning designation of Commercial Services-Local (CSL), subject to the Technical Review Committee Report dated September 16, 2024.

WHEREAS, the Washington State Department of Commerce held a 60-day review period from September 30, 2024, to November 29, 2024, to gather state input regarding the proposed amendments and received no objections; and

WHEREAS, on December 2, 2024, 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 Commercial Land Use category.

Section 2: The zoning map of the City of Lynden and Ordinance No. 24-1699 adopting the zoning map are hereby amended to rezone the Property to Commercial (CSL).

Section 3. This ordinance shall be in full force and effect on January 1, 2025.

PASSED by the City Council this _____ day of December 2024 and signed by the Mayor on the _____ day of December, 2024.

SCOTT KORTHUIS, MAYOR

ATTEST:

PAM BROWN, CITY CLERK

APPROVED AS TO FORM:

ROBERT CARMICHAEL, CITY ATTORNEY