

ORDINANCE NO. 24-1700

AN ORDINANCE REZONING CERTAIN REAL PROPERTY IN THE CITY OF LYNDEN,
FROM RESIDENTIAL MULTI-FAMILY (RM-2) TO PUBLIC USE (PU) 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 for the following property from Residential Multi-Family (RM-2) to Public Use (PU)

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.

COMMONLY DESCRIBED AS: 700 Edson Street, Lynden.

WHEREAS, the City of Lynden Parks Department has acquired approximately 4 acres of property located between Edson and Glenning Streets which has historically been owned by the Lynden School District and used, in recent years, as play fields; and

WHEREAS, through community efforts the property, addressed as 700 Edson Street, is now slated to become School Yard Park; and

WHEREAS, although inconsistent with the historical use, the property has been zoned for residential use; and

WHEREAS, the City Parks Department desires to utilize the development standards associated with a Public Use as this impacts structure heights and setbacks; 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, the Planning Commission found that the application satisfies the criteria listed within Section **17.09.040 (C)** of the Lynden Municipal Code and in this case “the development” is considered the action of shifting the land use and zoning designations. That is:

1. The development is consistent with the comprehensive plan and meets the applicable requirements and intent of this code by aligning the zoning designation with the historical and future use of the property. Additionally, the Comprehensive Plan and, by extension, the Park and Trail Masterplan indicate a goal to provide Lynden neighborhoods with green spaces within walkable distances.
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 by assigning a Public Use designation to the property which secures the city’s intentions of creating an open space amenity on this property, in perpetuity and by assigning the zoning category which best matches the desired use. As the property is located within an existing neighborhood the infrastructure provisions have largely been made but elements such as sanitary services, streets, parking, and drainage ways will be improved through the development of the park.
3. The development adequately mitigates impacts identified under Titles 16 - 19. The revision to the land use designation and zoning do not directly impact titles listed but development of the property, as it proceeds, will be held to the standards associated with Titles 16-19.
4. The development is beneficial to the public health, safety and welfare and is in the public interest as it provides a historical landmark for Lynden’s early school system and provides an open space amenity to the 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 – “Adequate Public Facility Concurrency” of the city code. Although School Yard Park is expected to have general traffic it is not expected to impact the area in such a way that would cause the level of service to fall below an acceptable level. The Park increases the level of service as it relates to neighborhood 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. The City does not anticipate the need to have additional area dedicated to right-of-way in this area and the property itself will be open to the public during typical park hours; and

WHEREAS, rezone applications 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 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. While educational facilities are frequently located on residentially zoned properties, a significant change of circumstances has occurred when the property was purchased by the City of Lynden with the intent of preserving this space as a public park; and
2. The standard requires that proposed rezone be consistent with the City's comprehensive plan and applicable sub-area plan(s). This is true as the Comprehensive Plan, and by extension, the Park and Trail Masterplan prioritize the preservation and creation of open spaces within the city while the Central Lynden Sub-area recognizes the mix of uses including a significant residential component and the associated amenity of parks and open space; and
3. The standard requires that project proposal is consistent with the City's development codes and regulations for the zoning proposed for the project. In this case the revision to the land use and zoning designations to Public Use create more consistency with the intentions of the City to build out this property as a park.
4. The standard requires that the proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area. This is true as the park will provide a significant amenity to the surrounding area; and
5. The standard requires that the proposed rezone promote the health, safety, and general welfare of the community which, as a public park and a historical landmark it clearly promotes the welfare of the community by strengthening its identity and providing a recreational and cultural amenity.

WHEREAS, the Planning Commission recommended approval by a vote of 4-0, to the City Council, Comprehensive Plan Amendment #24-01 and Rezone #24-01 to assign the School Yard Park property a Land Use Designation of "Public" and a Zoning Designation of "Public Use", 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 Public Use category.

Section 2: The zoning map of the City of Lynden and Ordinance No. 24-1700 adopting the zoning map are hereby amended to rezone the Property to Public Use (PU).

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