

CITY OF LYNDEN  
FINDINGS OF FACT AND CONCLUSIONS OF LAW

REGARDING THE APPLICATION OF  
Northwood Partners, LLC, TO  
REZONE PROPERTY

Petitioner

RZ #20-04

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, CONDITIONS and  
DECISION

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Northwood Partners, LLC, is owner of the premises known as:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15,  
TOWNSHIP 40 NORTH, RANGE 3 EAST, W.M. EXCEPTING THEREFROM THE NORTH  
HALF OF THE NORTH HALF OF SAID SOUTHWEST QUARTER OF THE NORTHEAST  
QUARTER; FURTHER EXCEPTING ONE ACRE FOR CEMETERY; FURTHER EXCEPTING  
RIGHT-OF-WAY FOR COUNTY ROADS KNOWN AS KAMM ROAD AND NORTHWOOD  
ROAD ON THE SOUTHERN AND WESTERN BOUNDARIES THEREOF. SITUATE IN  
WHATCOM COUNTY, WASHINGTON.

**COMMONLY DESCRIBED AS:** 8744 Northwood Road, Lynden.

(Hereafter "Property").

Agent, Jeff Palmer on behalf of Northwood Partners, LLC has applied to rezone property from Single Family Residential (RS-100) to Residential Mixed Density (RMD). Said application having come before the City Council of the City of Lynden on March 15, 2021, and the Council having fully and duly considered said application, hereby makes the following:

**I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1.01 Application. Northwood Partners, LLC, ("Property Owner") filed an application for a site-specific rezone which was accepted by the City as complete and containing all information required by LMC 17.19.010 on October 19, 2020.

1.02 Location. The property is located at 8744 Northwood Road, Lynden.

1.03 Ownership. Northwood Partners, LLC is the Property Owner.

1.04 Request. To rezone property from Single- Family Residential (RS-100) to Residential Mixed Family (RMD).

1.05 Reason for Request. To make effective use of land within the existing city limits where all urban services are available.

1.06 Planning Commission Recommendation. The Lynden Planning Commission recommended approval of the rezone application and noted the following findings:

- The site-specific rezone, as presented, adequately meets the criteria outlined in 17.09.050 of the Lynden Municipal Code. This includes, but is not limited to, recognition that the housing market has changed substantially since the property was originally zoned RS-100. Entry level home buyers would typically not be able to purchase lots within a RS-100 neighborhood. RMD zoning allows for a variety of lot sizes and associated housing types.
- The accommodation of additional housing units in this area serves the public good as it is located near to the Lynden Middle School and Cornerstone Christian school.
- The proposed rezone is consistent with the Comprehensive Plan land use designation for the property; it is consistent with and satisfies applicable city codes, including LMC 17.09.040 (C); and it will further the goals of the Lynden Comprehensive Plan.

1.07 Conformance with Criteria for Site Specific Rezones. The rezone application as presented is in conformance with the criteria for granting a site-specific rezone as listed in Section 17.19.050 as follows:

- a. That there has been a significant change in circumstances since approval of the current zoning and warrants reclassification of the subject property as proposed.
- b. The proposed site-specific rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s).
- 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.
- e. The proposed site-specific rezone does promote the health, safety, and general welfare of the community.

1.08 Public Interest. The application does adequately meet the criteria outlined in LMC 17.19.050.

1.09 SEPA Threshold Determination. Environmental review of the proposal has been made under the requirements of Chapter 197-11 WAC and a Mitigated Determination of Non-Significance has been entered.

The foregoing Findings of Fact and Conclusions of Law are not labeled. Those sections which are most properly considered Findings of Fact are hereby designated as such. Those sections which are most properly considered Conclusions of Law are also designated as such. From the foregoing Findings of Fact and Conclusions of Law, the Council establishes the following conditions:

## **2. CONDITIONS**

Any approval of the Petitioner's application shall be subject to the conditions listed below:

1. *Public Health and Safety:* Rezone and development of the subject property have preceded the improvement of nearby arterial roads (Northwood Road, Kamm Road). Be advised, that future development in this area will need to facilitate safe pedestrian movements despite these sub-standard roads.
2. *Zoning Designation - Permitted Uses:* Be advised, Residential Mixed Density (RMD) allows up to 8 dwelling units per acre and is subject to the permitted uses and standards as described in LMC 19.16 including a maximum building height of 32 feet.
3. *Housing Types:* Be advised, plats developed within RMD zoning must indicate which lots are permitted to include duplex or paired housing types.
4. *Design Review:* The construction of duplex buildings are subject to Design Review Board approval prior to permit approval.
5. *Street Trees:* Future development will require compliance with Chapter 18.14.130 regarding street trees and planting strips. These aspects of design must appear in the Design Review Board submittal package.
6. *Transportation Impact Fees:* Be advised, transportation impact fees will be due at the time of permit. The current rate of this fee for single family buildings is \$2111.00 and \$1309.00 per unit for duplex buildings.
7. *Landscape Bonding:* Be advised, performance and maintenance bonding will be required for the landscape installed at the time of development. This relates to street trees and any required landscape buffer. Bonds are due prior to issuance of final building occupancy.
8. *Environmental Review:* Conditions associated with the SEPA review (SEPA 20-13) which was conducted concurrently with this application will apply to the proposed development.

9. *Infrastructure Improvements:* Be advised, at the time of future development, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards.
10. *Stormwater Management:* 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. Storm drainage report per the City of Lynden and the Department of Ecology standards required.
11. *Stormwater Management:* Be 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.
12. *Water and sewer:* Each unit must be individually metered.
13. *Fire Code:* Future Development will require full compliance with the Fire Code.
14. *Fire Impact Fees:* Be advised, fire impact fees will be due at the time of permit. The current rate of this fee is \$517.00 per single family home and \$389.00 per duplex unit.
15. *Park and Trail Amenities:* Future development may require participation and or easements for trail system and parks. Connections to trails and parks will be reviewed at the time of Design Review Board approval.
16. *Park Impact Fees:* Be advised, park impact fees will be due at the time of permit. The current rate of this fee is \$936.00 per single family home and \$546.00 per duplex unit.

### **3. DECISION**

Petitioner's application for a site-specific rezone shifting the subject property from Single Family Residential (RS-100) to Residential Mixed Density (RMD) is hereby **approved**, by the Lynden City Council by a vote of 7-0.

DATED: \_\_\_\_\_

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Scott Korthuis, Mayor