

ORDINANCE NO. 1623

**AN ORDINANCE REZONING CERTAIN PROPERTY
IN THE CITY OF LYNDEN, WASHINGTON**

WHEREAS, the City of Lynden fixed the 15th day of March 2021, as the date to consider the Lagerwey site specific rezone for the following property from Single Family Residential (RS-100) to Residential Mixed Density (RMD).

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.

WHEREAS, the Proponents have provided the City with an affidavit for the posting of the notice of application and public hearing in three locations near the Property, and the receipts for the certified mailing of said notice to all property owners within three hundred feet of the Property; and

WHEREAS, the Lynden Planning Commission held a public hearing on January 28, 2021, to accept public testimony on the proposed rezone, and that meeting was duly recorded; and

WHEREAS, Planning Commission Resolution #21-03, outlines the Commission's recommendation of approval for the proposed Lagerwey Rezone.

WHEREAS, on March 15, 2021, the Lynden City Council did convene and inquire into the proposed change of zone, and has determined to grant the rezone request as submitted; and

WHEREAS, after careful consideration of the record for the Lagerwey / Kode Kamp Vista Rezone request, the Lynden City Council enters the following Findings of Fact regarding the proposed rezone, provided the conditions set forth in Section 2 herein are met;

1. Notice. Proper notices of the hearing were published and posted within the vicinity of the property as required by law.
2. Location. The subject property is located at 8744 Northwood Road, Lynden, in Whatcom County, Washington.
3. Ownership. Petitioner, Northwood Partners, Inc. is the owner of the subject property.
4. Request. Petitioner requests that the subject property be granted a site-specific rezone from Single Family Residential (RS-100) to Residential Mixed Density (RMD).
5. Reason for Request. The rezone will provide an opportunity for infill within the City of Lynden.
6. Change in Conditions: 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.
7. Comprehensive Plan and City Code. 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.
8. Public Health and Safety. The proposed rezone will promote the health, safety, and welfare of the community.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lynden, Washington, as follows:

Section 1: The zoning map of the City of Lynden and Ordinance No. 1623 adopting said zoning map are hereby amended to rezone the Property to RMD (Residential Mixed Density).

Section 2: This rezone is granted subject to the following condition:

Approval of the Lagerwey Rezone is subject to the findings, conditions and recommendations of the Technical Review Committee Report dated January 5, 2021.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 4: Any ordinance or parts or ordinances in conflict herewith are hereby repealed.

Section 5: This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor, if approved, and acknowledgment by the Petitioner, otherwise as provided by law, five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, AND APPROVED BY THE MAYOR on the _____ day of _____, 2021

M A Y O R, Scott Korthuis

ATTEST:

CITY CLERK, Pamela Brown

APPROVED AS TO FORM:

CITY ATTORNEY, Robert Carmichael