

CITY OF LYNDEN  
PLANNING COMMISSION RESOLUTION #21-02

**A resolution of recommendation for denial of the Fishtrap Creek, LLC / O&S Farms Site Specific Rezone #20-05, to the Lynden City Council.**

WHEREAS, Ashley Gosal on behalf of Fishtrap Creek, LLC, hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called the "City," for a Rezone requesting to change the zoning designation from Commercial Services - Regional (CSR) to Commercial Services - Local (CSL) located at 8035 Guide Meridian in Lynden, Washington.

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

WHEREAS, the application was determined to be complete on December 22, 2020, and the notice of application was published in the Lynden Tribune on January 6, 2021;

WHEREAS, the subject parcel is approximately 5.66 acres and has property zoned Regional Commercial Services (CSR) to the north, Residential Multi-Family (RM-2) to the west, State Highway (SR 539) to the east and the city limits to the south.

WHEREAS, the Lynden Planning Commission held a virtual public hearing on January 28, 2021, via Microsoft Teams to accept public testimony on the proposed Rezone request, and that meeting was duly recorded;

WHEREAS, the City's Technical Review Committee has reviewed the request for the Rezone and has provided findings, conditions, and recommendations to the Planning Commission in a report dated January 25, 2021.

WHEREAS, site-specific rezones shall be reviewed in light of the City's Comprehensive planning goals. To recommend approval of this request, the Planning Commission must find that the application satisfies the criteria listed within Section 17.09.050 of the Lynden Municipal Code.

- 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; and

WHEREAS, the Lynden Planning Commission has reviewed the request and has specifically concluded that:

1. The rezone application does not adequately meet the criteria for a site-specific rezone.
2. Residential development which may occur in a mixed used project under CSL zoning will not promote the general health and safety of the residents and may hinder public safety.
3. There is not enough evidence to support the request to remove the property from its current zoning.
4. Limited CSR (Regional Commercial Services) property available within the city limits.

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend *denial* of the request to rezone property from Commercial Services – Regional (CSR) to Commercial Services - Local (CSL), by a vote of 6-0.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their meeting held the 28th day of January 2021.



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Diane Veltkamp, Chairperson,  
Lynden Planning Commission



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Heidi Gudde, AICP  
Planning Director