



<u>Meeting Date:</u>	September 26, 2024
<u>Name of Agenda Item:</u>	Comprehensive Plan Amendment 24-01 and Rezone 24-01 for School Yard Park
<u>Type of Hearing:</u>	Public Hearing
<u>Attachments:</u>	CPA and Rezone Applications, Staff Report, Maps
<u>Summary Statement:</u>	<p>The Planning Commission is being asked to consider a pair of applications which would</p> <ul style="list-style-type: none"> (1) Amend the City's Land Use Map within the Comprehensive Plan by shift the Subject Property's Land Use from a Residential Land Use to a Public Use Land Use; and (2) Rezone the Subject Property from a residential zoning category of RM-2 to Public Use (PU). <p>The Subject Property is located at 700 Edson Street. This parcel is largely undeveloped as it had been owned by the Lynden School District and used for many years as open play fields in association with the nearby Middle School. It was never developed residentially although it fell in an RM-2 zoning category. After the School District moved the Middle School functions from its Main Street locations the property was determined to be surplus. A local group, interested in preserving the property as open space, raised funds and secured a contribution from the City of Lynden to purchase the property. Since that time the same group has been working on a masterplan for the space which includes pavilions, a playground, open play area, and a future amphitheater. Development of these park amenities will benefit from the development regulations associated with Public Use regulations rather than the RM-2 zoning.</p> <p>Staff of the Technical Review Committee have reviewed the application and created the attached report. The ending conclusion is a recommendation to approve the Comprehensive Plan Amendment and the Rezone for the School Yard Park property.</p>
<u>Recommended Action:</u>	Motion to recommend to the City Council approval of CPA application 24-1 and Rezone application 24-1 as presented for the School Yard Park property.



September 16, 2024

CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE

STAFF REPORT

Re: The application of the City of Lynden for a Comprehensive Plan Amendment and Rezone.

CPA #24-01, RZ #24-01 School Yard Park, Rezone and Comprehensive Plan Amendment

I. APPLICATION SUMMARY AND RECOMMENDATIONS

Proposal: A Comprehensive Plan Amendment to change the Comprehensive Plan designation of a parcel owned by the City of Lynden from Residential to Public Use. It would specifically change the zoning of the subject parcel from Residential Multi-Family (RM-2) to Public Use (PU).

Recommendation: Staff recommends approval of the CPA and Rezone.

II. PRELIMINARY INFORMATION

Applicant: Dave Timmer, City Planner, City of Lynden

Property Owner: City of Lynden

Property Location: 700 Edson Street, Lynden

Parcel Number: 400320-142393

Legal Description: 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.

<u>Notice Information:</u>	Application Submitted:	June 17, 2024
	Notice of Application:	September 11, 2024
	Notice of SEPA determination:	September 11, 2024
	Notice of Hearing:	September 11, 2024
	Comment Period Ending:	September 25, 2024

School Yard Park Comprehensive Plan Amendment and Rezone – TRC Report

SEPA Review: Lynden SEPA #24-09. Determination of Non-Significance (DNS) issued September 6, 2024.

Authorizing Codes, Policies, and Plans:

- RCW 35A.63.073 Comprehensive Plan – Amendments and Modifications
- RCW 36.70A Growth Management
 - RCW 36.70A.130 Comprehensive Plans
- LMC Chapter 2.08.140 Plan adoption – Amendment authorized
- LMC Chapter 19 Zoning
 - LMC 19.03 Comprehensive Plan
 - LMC 19.09 Maps and District Boundaries
 - LMC 19.27 Public Use Zone
- LMC Chapter 17.09.030 – Legislative Decisions
 - LMC 17.19 – Site Specific Rezones
- LMC Chapter 16 Environmental Policy

III. PROJECT DESCRIPTION

A Comprehensive Plan Amendment to change the Comprehensive Plan designation of a parcel owned by the City of Lynden from Residential to Public Use. This will specifically shift the zoning of the property from Residential Multi-Family (RM-2) to Public Use (PU).

IV. PUBLIC NOTICE AND COMMENT

Notice of Application: Formal legal notice for this CPA / RZ application was published in the Lynden Tribune on September 11, 2024

Notice of SEPA determination: Formal notice of the SEPA Determination (DNS) was published in the Lynden Tribune on September 11, 2024 and mailed to neighbors within 300 ft of the property. The comment period for the SEPA determination expired on September 25, 2024.

Public Comment Received:

None.

V. ANALYSIS AND CONSISTENCY WITH REGULATIONS

The first step in evaluating this application is to determine whether or not the Comprehensive Plan should be amended. The application materials included in the package provide a number of questions relating to consistency with the Growth Management Act, the City's Comprehensive Plan and the change within the community that could necessitate such a change in the City's plan. The **second step** in the process will be to evaluate the rezone request.

COMPREHENSIVE PLAN AMENDMENT – FIRST STEP

A. This question in the Comprehensive Plan Amendment application asks the proponent to describe how the proposal is consistent with the Growth Management Act and the City's Comprehensive Plan.

The applicant has provided the following response: *The City's Comprehensive Plan places a strong emphasis on high quality park lands and the preservation of open space and community gathering places. It also encourages the recognition of historic properties. The Schoolyard Park property is a former school district property which was purchased by the City with funds raised by community members for the purpose of a park. In general, schools tend to be on residentially zoned property and operate as a school with a Conditional Use Permit. No longer being a school property, this CPA and rezone proposal seeks to align the designated land use and zoning with the publicly owned park property as it is now.*

B. This question involves a change in circumstances within the community since the adoption of the comprehensive plan that would justify the proposed request.

The applicant has provided the following response: *The subject property was donated by Phoebe and Holden Judson in the late 1800s to house the City's first school building. When the city eventually adopted zoning categories, schools were generally zoned residential (as schools tend to be in residential neighborhoods). The school building was eventually removed from the property when the middle school was in operation across the street. When Lynden citizens passed a school bond (2015) to replace the middle school in a different location, this property became surplus. A group of Lynden residents raised funds and secured a contribution from the City of Lynden to purchase the property from the School District for a public park. This amendment is meant to align the park use with the public land use designation and Public Use zoning.*

C. This question relates to assumptions that were made during the past comprehensive planning cycle.

The applicant has provided the following response: *Assumptions have not changed. The amendment is simply an effort to align the land use designation and zoning with the park use which the property is being developed as.*

D. Does the proposed amendment promote a more desirable land use pattern as stated in the goals and policies of the comprehensive plan.

The applicant has provided the following response: *While the park property does remove potential housing land from the City, parks benefit everyone, and this park property preserves unique open space in the city. The future park amenities will benefit the neighborhood and City in general - providing park amenities such as play structures, gathering places, open space, pathways, and trees.*

E. This question within the application materials asks about the impacts to current uses in the area and measures to ensure compatibility within the area.

The applicant has provided the following response: *The park property benefits the neighborhood by providing a well thought out and designed urban park in the City's urban core.*

F. How will the public interest be served by this amendment? The applicant has provided the following response: *The property is a park property benefiting all residents and visitors to Lynden. The amendment does not change the use, it simply aligns the use with the public use designation and zoning which is the most logical designation for the park property.*

REZONE- SECOND STEP

1. *Criteria for Approval:* The applicant has responded to this comment with written justifications for the proposed rezone. Care should be taken to consider potential impacts to the surrounding properties and the City as a whole and mitigate as needed.

To grant this request, the Planning Commission and City Council **must** find that the application satisfies each of the criteria listed within Section 17.09.050 of the Lynden Municipal Code:

School Yard Park Comprehensive Plan Amendment and Rezone – TRC Report

- 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.

VI. TECHNICAL REVIEW COMMITTEE COMMENTS

Planning Department Comments

1. *Approval Criteria:* Staff agrees that this property if developed as a park, will benefit the neighborhood and City in general - providing park amenities such as play structures, gathering places, open space, pathways, and trees
2. *Transportation:* The applicant is aware that mitigation of transportation impacts may be required at the time of development.
3. *Proposed Uses:* Applicant has been advised that future public uses are subject to the provision of LMC 19.27 which include, but are not limited to, permitted uses, setbacks, and height limits.

Public Works Department Comments

4. *Public Improvements:* The applicant has been advised that at the time of future development, all public improvements must be constructed as required in the Lynden Municipal Code.

School Yard Park Comprehensive Plan Amendment and Rezone – TRC Report

5. *Development Standards:* The applicant has been advised that 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.
6. *Stormwater Management:* The applicant has been 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.

Fire and Life Safety Comments

7. *Fire Standards:* Future Development will require full compliance with the Fire Code.

Parks and Recreation Comments – The Parks Department has no comments on this application.

VII. RECOMMENDATION

Based on the above findings, staff recommends approval of the Comprehensive Plan Amendment and Rezone without associated conditions of approval.

CITY OF LYNDEN

REZONE APPLICATION



City of Lynden use only:

RZ # 24-01

Staff Initials: KS

Applicant Information

Name: Dave Timmer, City Planner, City of Lynden Community Dev Dept

Address: 300 4th St, Lynden WA 98264

Telephone Number: 360-354-5532 E-mail Address: timmerd@lyndenwa.org

Application is hereby made for a rezone as follows:

Type of Rezone Requested:

Current Zoning Designation: RM2

Proposed Zoning Designation: Public Use

Attach narrative explaining the reason for the request / zoning change

Property Information

Address: 700 Edson St

Legal Description: (Attach Additional Sheets if Necessary)

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.

Property Size: _____ x _____

Total Square Footage: _____ Total Acreage: 3.99

By signing this application, I certify that all the information submitted is true and correct. I also understand that no final approval will be issued until all final review costs are paid in full.

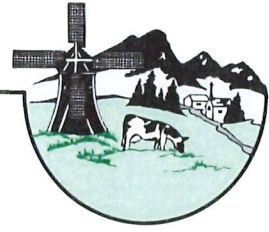
Submitted By: Dave Timmer Date: _____

Property owner signature: [Signature] Date: 8/30/24

Property owner printed name COL Date: _____

CITY OF LYNDEN

CRITICAL AREAS CHECKLIST



Section: _____ Township: _____ Range: _____ Parcel Number: _____

Site Address: 700 Edison St, Lynden

Proposed Uses: Park

Please answer the following questions concerning Critical Area indicators *located on or within 200-feet of the project area*:

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, please attach a list of document titles).
☐ Yes ☒ No ☐ Unknown
- b. Are there any surface waters (including year-round and seasonal streams, lakes, ponds, swamps)?
☐ Yes ☒ No ☐ Unknown
- c. Is there vegetation that is associated with wetlands?
☐ Yes ☒ No ☐ Unknown
- d. Have any wetlands been identified?
☐ Yes ☒ No ☐ Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?
☐ Yes ☒ No ☐ Unknown
- f. Are there any State or Federally listed sensitive, endangered, or threatened species and habitats?
☐ Yes ☒ No ☐ Unknown
- g. Are there slopes of 15% or greater?
☐ Yes ☒ No ☐ Unknown
- h. Is the project located within a Flood Hazard Zone?
☐ Yes ☒ No ☐ Unknown
- i. Do you know of any landslide hazard areas?
☐ Yes ☒ No ☐ Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of Chapter 16.16 of the Lynden Critical Areas Ordinance.


[Signature]
Applicant's Signature

[Signature]
Date

The screenshot displays a web-based map interface for the City of Lynden Assessor's Office. The map shows a grid of residential lots, each labeled with a unique property ID. A specific lot, 133798, is highlighted in cyan. A pop-up window provides detailed information for this property:

- Property ID:** 133798
- Geo ID:** 4003201423930000
- Assr Situs Add:** GLENNING ST
- Abbvr Legl Desc:** LYNDEN LOTS 1 THRU 10 BLK 32-LOTS 1 THRU 10 BLK 33
- Primary Prop Use:** PLAYFIELDS
- Acres:** 3.99
- 2023 Valuation:**
 - Mkt Land: \$960,000
 - Mkt Bld/Imprv: \$0
 - Mkt Total: \$960,000
 - Taxable Val Total: \$0
- Exemption Type:** EX CITY
- Assr's Links:** [Ownership](#) | [2023 Values](#)
- Subdivision:** LYNDEN SUPPLEMENTAL AND CORRECTED
- Recorded Map:** [View Recorded Map](#)
- Owner Name/Address:** CITY OF LYNDEN, PO BOX 650
- Actions:** [Zoom to](#)

The map background shows surrounding streets including Main St, Glenning St, Edson St, and Liberty St, along with other property lots and a creek labeled 'Fisher Creek'.



Property ID: 133798

Geo ID: 4003201423930000

Assr Situs Add: GLENNING ST

Abbrev Legl Desc: LYNDEN LOTS 1 THRU 10
BLK 32-LOTS 1 THRU 10 BLK 33

Primary Prop Use: PLAYFIELDS

Acres: 3.99

2023 Valuation

Mkt Land:	\$960,000
Mkt Bld/Imprv:	\$0
Mkt Total:	\$960,000
Taxable Val Total:	\$0

Exemption Type: EX CITY

Assr's Links: [Ownership](#) | [2023 Values](#)

Subdivision: LYNDEN SUPPLEMENTAL AND
CORRECTED

Recorded Map: [View Recorded Map](#)

Owner Name/Address:

CITY OF LYNDEN
PO BOX 650

[Zoom to](#)

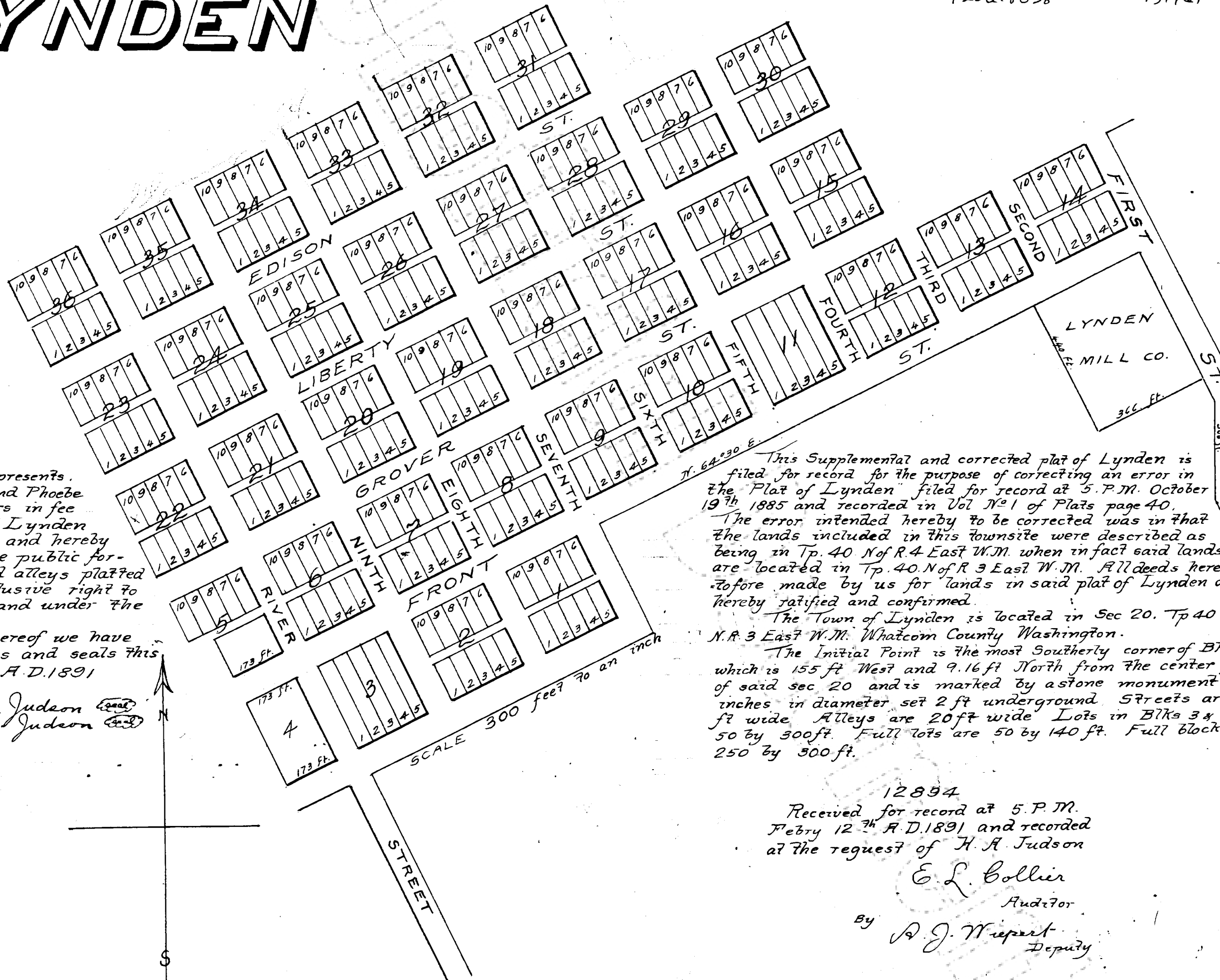
SUPPLEMENTAL AND CORRECTED

PLAT OF LYNDEN

Edmund S. Hincks
DRAFTSMAN
WHATCOM WASH.

Know all men by these presents,
That we Holden A. Judson and Phoebe
N. Judson his wife owners in fee
simple of the Townsite of Lynden
hereby declare this plat and hereby
dedicate to the use of the public for-
ever all the streets and alleys platted
thereon reserving the exclusive right to
lay water pipes through and under the
streets and alleys.

In witness whereof we have
hereunto set our hands and seals this
9th day of February A.D. 1891
Witnesses
C. A. Beavers
E. Edson
Holden A. Judson
Phoebe N. Judson



This Supplemental and corrected plat of Lynden is
filed for record for the purpose of correcting an error in
the Plat of Lynden filed for record at 5 P.M. October
19th 1885 and recorded in Vol No 1 of Plats page 40.
The error intended hereby to be corrected was in that
the lands included in this townsite were described as
being in Tp. 40 N of R. 4 East W.M. when in fact said lands
are located in Tp. 40 N of R. 3 East W.M. All deeds here-
before made by us for lands in said plat of Lynden are
hereby ratified and confirmed.

The Town of Lynden is located in Sec 20, Tp 40
N. R. 3 East W.M. Whatcom County Washington.
The Initial Point is the most Southerly corner of Bk 11,
which is 155 ft West and 9.16 ft North from the center point
of said sec 20 and is marked by a stone monument 6
inches in diameter set 2 ft underground. Streets are 80
ft wide. Alleys are 20 ft wide. Lots in Bks 3 & 11 are
50 by 300 ft. Full lots are 50 by 140 ft. Full blocks are
250 by 300 ft.

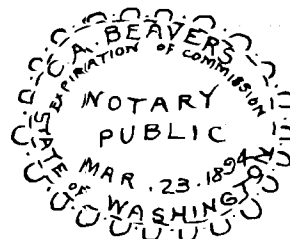
12894
Received for record at 5 P.M.
Febry 12th A.D. 1891 and recorded
at the request of H. A. Judson

E. L. Collier
Auditor
By A. J. Wierst
Deputy

STATE OF WASHINGTON } s.s.
COUNTY OF WHATCOM }

On this 9th day of Feb.
A.D. 1891 personally appeared before me a
Notary Public in and for Washington, Holden
A. Judson and Phoebe N. Judson his wife
personally known to me to be the parties
who executed this plat and acknowledged
the same to be their free and voluntary act
and deed. And the said Phoebe N. Judson
wife of said Holden A. Judson upon an
examination by me separate and apart from
her said husband acknowledged that she
executed the same freely and voluntarily.
Witness my hand and official seal
the day and year above written

C. A. Beavers
Notary Public for Washington
Residing at Lynden Wash.



Presented to and approved by
The Board of County Commissioners
this 12th day of February A.D. 1891

H. A. Judson
Eln B. G. Coms

Attest
E. L. Collier
Clerk

