

CITY OF LYNDEN  
PLANNING COMMISSION RESOLUTION #20-10

**A resolution of recommendation for approval of the Koda Investments  
Rezone #20-03, to the Lynden City Council.**

WHEREAS, Ray Kornelis, on behalf of Koda Investments, LLC, hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called the "City," for a Site-Specific Rezone requesting to change the zoning designation of Residential Multi-Family (RM-4) to Residential Multi-Family (RM-2) at 295 S BC Avenue in Lynden, Washington; and

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, in addition to the notification requirements listed above, site-specific rezones that result in a density of five or more residential units per acre must install a 4-foot X 8-foot sign on site providing project and meeting details; and

WHEREAS, the application was determined to be complete on October 8, 2020, and the notice of application was published in the Lynden Tribune on November 4, 2020; and

WHEREAS, the subject parcel totals approximately 5.67 acres and have property zoned RM-4 to the north, RS-72 to the west and the city limits and flood plain to the east and south; and

WHEREAS, the Lynden Planning Commission held a virtual public hearing via Microsoft Teams on December 10, 2020, to accept public testimony on the proposed Site-Specific Rezone request, and that meeting was duly documented;

WHEREAS, the City's Technical Review Committee has reviewed the request for the Site-Specific Rezone and has provided findings, conditions and recommendations to the Planning Commission in a report dated December 1, 2020; and

WHEREAS, Site-specific rezones 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.

- 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 adequately defended and has specifically concluded that:

1. The rezone will provide an opportunity for the subdivision of property, preservation of an existing home, and infill on the vacant portion of the property.
2. That development constraints relating to property access and with critical areas found on the site are inconsistent with a development density that would be permitted under the RM-4 zoning designation.
3. 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.
4. The proposed rezone will promote the health, safety, and welfare of the community by reducing development density on property with limited access and environmentally sensitive critical areas.

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend approval by a vote of 6-0, to the Lynden City Council, of the Koda Investments Rezone #20-03, subject to the Technical Review Committee Report dated December 1, 2020.

PASSED a recommendation of approval by the Planning Commission of the City of Lynden, Whatcom County, at their meeting held the 10th day of December 2020.

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Diane Veltkamp, Chairperson,  
Lynden Planning Commission

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Heidi Gudde, AICP  
Planning Director