

**ORDINANCE NO. 1617**

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

WHEREAS, the City of Lynden fixed the 4th day of January, 2021, as the date to consider the Koda Investments, LLC site specific rezone for the following property from Multi-Family Residential (RM-4) to Residential Multi-Family (RM-2).

THE SOUTH 7 ACRES OF THE FOLLOWING DESCRIBED TRACT: THE NORTH HALF OF THE SOUTHWEST NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M. EXCEPT THE NORTH 22 FEET OF THE WEST 430 FEET THEREOF; AND EXCEPT THE EAST 250 FEET OF THE WEST 430 FEET OF THE SOUTH 20 FEET OF THE NORTH 42 FEET OF THE SOUTH 7 ACRES AND EXCEPT THE SOUTH 60 FEET OF THE NORTH 82 FEET OF THE WEST 180 FEET THEREOF; AND EXCEPT THE SOUTH 110 FEET OF THE WEST 150 FEET OF THAT PORTION THEREOF LYING EASTERLY OF B.C. AVENUE. EXCEPT THE EAST 264 FEET THEREOF; LESS ROADS. SITUATE IN WHATCOM COUNTY, WASHINGTON. SUBJECT TO AND/OR TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD, OR OTHERWISE.

**COMMONLY DESCRIBED AS:** 295 S BC Ave, 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 December 10, 2020, to accept public testimony on the proposed rezone, and that meeting was duly recorded; and

WHEREAS, Planning Commission Resolution #20-10, outlines the Commission's recommendation of approval for the proposed Koda Investments Rezone.

WHEREAS, on January 4, 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 Koda Investment 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 295 S BC Avenue, Lynden, in Whatcom County, Washington.

3. Ownership. Petitioner, Koda Investments, LLC. is the owner of the subject property.
4. Request. Petitioner requests that the subject property be granted a site-specific rezone from Multi-Family Residential (RM-4) to Residential Multi-Family (RM-2).
5. Reason for Request. The rezone will provide an opportunity for the subdivision of the property, preservation of an existing home, and infill on the vacant portion of the property.
6. Change in Conditions: 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.
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 by reducing development density on property with limited access and environmentally sensitive critical areas.

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. 1617 adopting said zoning map are hereby amended to rezone the Property to RM-2 (Residential Multi-Family).

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

1. Approval of the Koda Investments Rezone is subject to the findings, conditions and recommendations of the Technical Review Committee Report dated December 1, 2020.

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:

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CITY ATTORNEY, Robert Carmichael