

ORDINANCE NO. 1452

**AN ORDINANCE AMENDING
THE CITY OF LYNDEN'S COMPREHENSIVE PLAN**

WHEREAS, the Lynden City Council fixed the 7th day of October, 2013, as the date to consider an amendment to the Comprehensive Plan requesting to change the zoning designation of Commercial (CSL) to Residential Multi-Family (RM-4) at 285 18th Street in Lynden.

WHEREAS, the Legal Description is attached hereto as Exhibit "A"

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 September 12, 2013, at the Lynden City Hall Annex, 205 4th Street, Lynden, Washington, to accept public testimony on the proposed comprehensive plan amendment, and that hearing was duly recorded; and

WHEREAS, on the 7th day of October, 2013, the City Council of the City of Lynden did convene and inquire into the comprehensive plan amendment and has determined to grant the same; and

WHEREAS, the City of Lynden has heretofore entered the following Findings of Fact regarding the proposed change in comprehensive plan;

- a. The change in the zoning designation does conform within the surrounding zoning and land uses.
- b. Growth Management Policy 5 indicates that the City of Lynden will support economic growth and diversification. Granting this petition for a comprehensive plan to convert the Property to a multi-family residential use (RM-4) designation will further economic growth and diversification.
- c. The request is consistent with the Lynden Comprehensive Plan and allows for logical use of the property.
- d. The proposed change will benefit the public good.

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

Section 1 The City of Lynden Comprehensive Plan is hereby amended to change the zoning designation of the property (approximately 0.93 acres) from Commercial (CSL) to Residential Multi-Family (RM-4).

Section 2 The City of Lynden Zoning Map is hereby amended to rezone the property (approximately 0.93 acres) from Commercial (CSL) to Residential Multi-Family (RM-4).

Section 3 This Comprehensive Plan Amendment is granted on the following conditions:

- a. This amendment is granted subject to the findings, conditions, and recommendations of the Planning Commission and the City's Technical Review Committee, which are hereby incorporated herein as requirements of the City Council.
- b. These conditions shall run with the land and be binding upon the property owner, their successors and/or assigns.

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

Section 5 If any section, subsection, sentence, clause of 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 6 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, 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 2 day of December, 2013.



MAYOR

ATTEST:



DEPUTY CITY CLERK


APPROVED AS TO FORM:



CITY ATTORNEY