CHAPTER 17.19
SITE-SPECIFIC REZONE APPLICATION PROCESS

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17.19.010 Contents of Application.
A complete application for a site-specific rezone must be acknowledged by the property owner and shall include the following information:

A. A completed application form provided by the Planning Department and all applicable fees;
B. The legal description of the boundaries of the area proposed for rezoning;
C. A statement regarding the background, the reason for seeking the proposed rezone, and the effect of the proposal on adjacent areas;
D. A statement explaining changed circumstances in the area since adoption of the current zoning or a mistake in the current zoning;
E. A statement explaining how the proposed rezone is consistent with the City’s comprehensive plan, applicable sub-area plans, and with protecting the public health, safety, and welfare;
F. A reproducible vicinity map, designating the area of the proposed rezone, together with all significant geographic features, including bodies of water, major streets and highways and boundaries of all units of government in the area as they presently exist.
G. A reproducible map showing the area of the proposed rezone together with the zoning of all adjacent parcels.
H. A development proposal showing the following information: a) all proposed streets and right-of-ways, b) topography, and c) development concept illustrating the proposed density and type of development.
I. An environmental checklist;
17.19.020 Environmental Review.

The Planning Director shall provide an environmental review in accordance with RCW 43.21C and WAC 197-11 prior to any Planning Commission review. Environmental review shall be performed concurrently on all consolidated applications described in LMC 17.19.070.

17.19.030 Planning Commission - Notice; Public Hearing(s); Review; Recommendation.

A. Upon receipt of an application for a site-specific rezone the Planning Department shall fix the date for public hearing on the proposed rezone before the Planning Commission. Notice of the hearing shall be given in accordance with notice requirements for development applications under Chapter 17.07 of the Lynden Municipal Code ("LMC").

B. For rezone proposals seeking a density of five (5) or more residential units per acre, or for proposals to rezone residential property to commercial or industrial zoning, an additional sign must be posted in conformance with the following:

1. The sign must be a minimum of four (4) feet by eight (8) feet; and
2. The sign must be centrally located on each lot line that fronts a public street; and
3. The sign must be placed on the lot a minimum of ten (10) days prior to the public hearing and must be removed within ten (10) days of final approval or denial; and
4. The sign must include a map illustrating the area to be rezoned, the project number assigned by the Planning Department, a brief project description, the developer or agent’s phone number, and the phone number of the Planning Department; and
5. The sign must have black lettering a minimum of two (2) inches in height on a white background.

C. For a site-specific rezone application, the Planning Commission shall review, conduct public hearing(s), and make recommendation(s) to the City Council in accordance with requirements for development proposals as set forth in LMC 17.09.040, 17.09.060 and in this Chapter.

17.19.040 City Council Review and Decision

The City Council shall conduct its review and render its decision on any site-specific rezone proposal in accordance with applicable provisions set forth in Chapter 17.09 LMC.
17.19.050 Criteria for Approval of Site-Specific Rezone

Site-specific rezone requests must satisfy the requirements established for development proposals in LMC 17.09.040C. In addition, no application for a site-specific rezone shall be approved unless the applicant demonstrates that each of the following criteria is satisfied:

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.

17.19.060 Quasi-Judicial Proceeding; Burden of Proof; Written Findings

A. Site-specific rezone proceedings are quasi-judicial in nature and shall be conducted as such by the Planning Commission and City Council.

B. The burden shall be on the applicant to demonstrate by clear, cogent, and convincing evidence that the application satisfies all of the criteria set forth in LMC 17.09.040C and 17.19.050.

C. The Planning Commission shall support its recommendation to the City Council with written findings; and the City Council shall support its final decision with written findings.

17.19.070 Consolidation of Other Development Applications with Site-Specific Rezone Proposal

Where a complete site-specific rezone application is filed within seven (7) calendar days of the date of filing other complete development applications for the same property, all such applications shall be consolidated with the site-specific rezone application (“consolidated applications”) for review and processing; except for those applications excluded from such consolidation requirements pursuant to RCW 36.70B.140. The consolidated applications shall have no more than one open record hearing and one closed record hearing. The open record hearing for all such consolidated applications shall be conducted before the Planning Commission as described in LMC 17.09.040 and 17.09.060. Review by the City Council on the consolidated applications shall occur as a closed record hearing. The review and decision by the City Council shall conform to the applicable procedures described in Chapter 17.09 LMC which are consistent herewith. In the event another city ordinance requires that a particular development application be
decided by a different hearing body or be processed in a different manner than as required herein, this ordinance shall govern so long as said development application is consolidated with a site-specific rezone application in accordance with this section; provided that, nothing herein is intended to supplant the criteria or substantive requirements applicable to such other development permits or approvals.