

CITY OF LYNDEN
FINDINGS OF FACT AND CONCLUSIONS OF LAW

REGARDING THE APPLICATION OF
AVT Consulting, LLC, on Behalf of
Mannahouse Church, TO REZONE
PROPERTY

Petitioner

RZ #20-01

FINDINGS OF FACT, CONCLUSIONS
OF LAW, CONDITIONS and
DECISION for the Lions Gate Rezone.

Mannahouse Church, owner of the premises known as:

LOT 1, AS DELINEATED ON CITY BIBLE CHURCH LOT LINE
ADJUSTMENT, ACCORDING TO THE PLAT THEREOF, RECORDED
AUGUST 29, 2019 UNDER AUDITOR'S FILE NUMBER 2019-0803655,
RECORDS OF WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: 1990 Main Street, Lynden

Has applied to rezone approximately 21.83 acres of property from Single Family Residential (RS-100) to Residential Mixed Density (RMD). Said application having come before the City Council of the City of Lynden on September 21, 2020, and the Council having fully and duly considered said application, hereby makes the following:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.01 Application. AVT Consulting, LLC, ("Agent") filed an application for a rezone which was accepted by the City as complete and containing all information required by LMC 17.19.010 on March 10, 2020.

1.02 Location. The property is located at 1990 Main Street, Lynden.

1.03 Ownership. Mannahouse Church is the Property Owner.

1.04 Request. To rezone property from Single Family Residential (RS-100) to Residential Mixed Density (RMD).

1.05 Reason for Request. To make effective use of land within the existing city limits where all urban services are available.

1.06 Planning Commission Recommendation. As outlined in Planning Commission Resolution #20-06, the Lynden Planning Commission recommended approval of the rezone application.

1.07 Conformance with Criteria for Site Specific Rezones. The rezone application as presented is in conformance with the criteria for granting a site-specific rezone as listed in Section 17.19.050 as follows:

- a. That there has been a significant change in circumstances since approval of the current zoning and warrants reclassification of the subject property as proposed because:
 - i. The RS-100 zone was intended to be a zone where middle-income families could afford to purchase a house. Home prices in Lynden have grown more quickly than incomes, hindering the ability of this zone to meet the needs of middle-income families and creating demand for more housing types.
 - ii. Transit lines were added on Main Street after the Property and surrounding area were designated as RS-100. The Comprehensive Plan encourages the development of residential mixed used housing near transit lines.
- b. The proposed site-specific rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s) because:
 - i. One of the primary goals states in the Comprehensive Plan is to increase average residential density to five dwelling units per acre in city limits. Section 2.5.4 of the Lynden Comprehensive Plan states, "In order for Lynden to continue to move toward its density targets of 5 dwelling units per acre, it will need to consider methods of increasing density throughout the current city limits...." The rezone provides an opportunity for infill within the City of Lynden to bring the City closer to achieving this goal of five dwelling units per acre.
 - ii. The fourth major goal of the Comprehensive Plan is that Lynden will "Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage the preservation of existing housing." The rezone would allow the development of more mixed-use housing.
 - iii. Locating multi-family housing on an established transit route (WTA bus route) is supported by the City's Comprehensive Plan - transportation goals.
- c. The project proposal is consistent with the City's development codes and regulations for the zoning proposed for the project because:
 - i. The City's development code supports infill.

- ii. Full compliance with all development codes not specifically varied herein shall be required and is achievable for development at the RMD density.
- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area because:
 - i. This area of Main Street has a large variety of housing types. The rezone offers mixed housing types which will successfully blend into the Main Street corridor.
- e. The proposed site-specific rezone does promote the health, safety, and general welfare of the community because:
 - i. The rezone would provide much-needed residential mixed use housing, ensuring that a variety of housing types are available in Lynden.
 - ii. The rezone will bring people into an area of the city close to amenities, including shopping, Lynden Academy, and transit.

1.09 Public Interest. The application does adequately meet the criteria outlined in LMC 17.19.050.

1.10 SEPA Threshold Determination. Environmental review of the proposal has been made under the requirements of Chapter 197-11 WAC and a Mitigated Determination of Non-Significance has been entered.

The foregoing Findings of Fact and Conclusions of Law are not labeled. Those sections which are most properly considered Findings of Fact are hereby designated as such. Those sections which are most properly considered Conclusions of Law are also designated as such. From the foregoing Findings of Fact and Conclusions of Law, the Council establishes the following conditions:

2. CONDITIONS

Any approval of the Petitioner's application shall be subject to the conditions listed below:

Summary

The proposed rezone, after revision, is requesting a new zone designation of RMD – Residential Mixed Density for the entire 21.83 acre property. RMD zoning is intended to provide a zone which supports a variety of single family housing types within a single neighborhood. The rezone proposal does not include the parcel of land recently created for the Ridnour Activities Center. See staff comments below regarding the proposed zoning designations.

Other applications: Running concurrently with the site-specific rezone request is a request to subdivide the Property with a master planned residential development (MPRD). The intent of the MPRD request is to allow for additional variety in single family housing types and street layouts.

The applicant is approaching the MPRD in two steps. The first is to bring the concept for the development forward with the rezone request. Later, with approval of the concept in hand, the applicant would propose specific development standards and a development contract for the MPRD.

Proposed parcels within this development range in size from 8,000 square feet to as small as 3,000 square feet. These are designed to accommodate a range of housing types including traditional single-family homes, paired (zero lot line homes) or cottages on small lots, and duplexes. No lots have been proposed for development with more than two attached units, either duplex or zero lot line. Based on preliminary design concepts the Property is anticipated to accommodate approximately 135 residential units.

Criteria for Approval: The site-specific rezone should be reviewed in light of the City's Comprehensive planning goals. This includes increasing residential density throughout the City to an average of 5 units per acre. The housing element of the Comprehensive Plan also calls for a variety of housing types including those aimed at providing first time home buyer opportunities. Care should also be taken to consider and provide mitigation for potential impacts to the surrounding properties and the City as a whole. This includes the potential for additional traffic demands, building scale, and potential conflicts in land use. 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.

Planning Department Comments

1. *Proposed Zoning Designation:* Staff acknowledges that the applicant has revised the rezone request to be more consistent with unit density proposed in the Master Planned Residential Development (MPRD). This revision altered the rezone request to drop the RM-3 designation and use the RMD zoning category throughout.

Because the MPRD indicates a build out of only 135 units (an overall density of 6.2 dwelling units per acre) staff had recommended the entire site be rezoned as RMD, RM-1, or RM-2.

Due to buffer requirements staff acknowledges that the units adjacent to the Guide Meridian may be fourplexes rather than duplexes. Be advised, this variation of the RMD zoning category, which typically permits only 2 attached units, must be addressed and approved through the MPRD process.

Advisory Comments – Planning Department

2. *Design Review:* Be advised, attached housing including zero lot line housing types and duplexes, are subject to Design Review Board approval prior to permit approval.
3. *Zoning Buffers and Street Trees:* Be advised, per LMC 19.61 a Type IV landscape buffer, 10 feet in width, is required at the perimeter of multi-family properties which may border single-family properties. In addition, future development will require compliance with Chapter 18.14.130 regarding street trees and planting strips. These aspects of design must appear in the Design Review Board submittal package.
4. *Transportation Impact Fees:* Be advised, transportation impact fees will be due at the time of final approval (subdivision). The current rate of this fee is \$1309.00 per unit for multi-family and \$2111.00 for single family development.
5. *Landscape Bonding:* Be advised, performance and maintenance bonding will be required for the landscape installed at the time of development. This relates to street trees and any required landscape buffer. Bonds are due prior to issuance of final building occupancy.
6. *Environmental Review:* Conditions associated with the phased SEPA review (SEPA 20-04) which was conducted concurrently with this application will apply to the proposed development.

Advisory Comments - Public Works Department

7. *Infrastructure Improvements:* Be advised, at the time of future development, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards or as otherwise approved through the MPRD process.
8. *Stormwater Management:* 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. Storm drainage report per the City of Lynden and the Department of Ecology standards required.
9. *Stormwater Management:* Be 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.

10. *Access:* A transportation/traffic study shall/needs to be initiated to provide data for future development in-depth traffic analysis.
11. *Water:* If future plans include the creation of a condominium, the City recommends that each unit must be individually metered. The City Water comprehensive plan did not look at the area with the units proposed and will need to be reviewed.
12. *Sewer:* The City Sewer Comprehensive Plan did not look at the area with the units proposed and will need to be reviewed.

Advisory Comments - Fire and Life Safety

13. *Fire Code:* Future Development will require full compliance with the Fire Code.
14. *Fire Impact Fees:* Be advised, half of fire impact fees will be due at the time of final MPRD approval (subdivision) and the second half are due at the time of each residential building permit. The current rate of this fee is \$389.00 per multi-family unit and \$517.00 per single family home.

Advisory Comments - Parks and Recreation

15. *Park and Trail Amenities:* Staff acknowledges that the proposed development includes open space and trail features. Connections to trails and parks will be reviewed in more detail at the second step of the MPRD approval and at the time of Design Review Board approval. Public access easements will be required for trails that connect to a larger network.
16. *Park Impact Fees:* Be advised, half of park impact fees will be due at the time of final MPRD approval (subdivision) and the second half are due at the time of each residential permit. The current rate of this fee is \$546.00 per multi-family unit and \$936.00 for single family home.

3. DECISION

Petitioner's application requesting to rezone approximately 21.83 acres of property from Single Family Residential (RS-100) to Residential Mixed Density (RMD) is hereby **approved** by the Lynden City Council.

DATED: _____

Scott Korthuis, Mayor