

CITY OF LYNDEN

PLANNING DEPARTMENT
(360) 354 - 5532



CITY OF LYNDEN
MITIGATED DETERMINATION
OF NON-SIGNIFICANCE
March 16, 2020

Project Name: Lion's Gate Rezone / MPRD

Description of Proposal: A proposed residential rezone from a Residential Single-family zoning category (RS-100) to Residential Mixed Density and Residential Multi-family zoning categories. Also, concurrent with this rezone, the applicant is proposing an associated master planned residential development (MPRD) on this property.

The proposed rezone and MPRD would facilitate the construction of up to 135 residential units of various housing types and the associated infrastructure for that residential development. The project is located on 21.83 acres on the northeast corner of the intersection of the Guide Meridian and Main Street in Lynden.

The proposal requests a phased environmental review as permitted under WAC 197-11-060(5) in that the rezone and the concept of the development will be considered broadly with more narrow, focused review due at a later date.

Proponent: City Bible Church
9200 NE Fremont St
Portland OR 97220-3610

Contact: Francine St Laurent, AVT Consulting LLC
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Parcels, Common Address and their Legal Descriptions:

4003190515390000; 400319034471000; 4003190424730000

1990 Main St, Lynden WA 98264

LOT 1 CITY BIBLE CHURCH SHORT PLAT AS RECORDED AF 2019-0803655

Lead Agency: City of Lynden (hereinafter "City")

The lead agency for this proposal has determined that it does not have a probable adverse impact on the environment if the standard conditions (*not all*

standard conditions are listed below) and mitigating measures are enacted. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after the review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

THE COMMENT PERIOD FOR THIS MDNS EXPIRES April 8, 2020. IT IS ISSUED ON THE BASIS THAT THE APPLICANT WILL COMPLY WITH THE FOLLOWING REQUIREMENTS IN MITIGATION OF THE POTENTIAL ADVERSE IMPACTS ON THE ENVIRONMENT.

Findings of Fact and Mitigating Measures

1. Phased Environmental Review: The applicant has elected to undergo a 2-step Master Planned Residential Development (MPRD) approval process as permitted per LMC 19.29.100 (2). In the 2-step process, the applicant must receive two approvals. Step 1 approval is for the master plan and general project concepts. Step 2 approval is for specific site and development designs for the master plan. This allows the concept of the MPRD to be considered along with the rezone request. If the general concept is approved at the first public hearing, the applicant would present, at a second public hearing, the more detailed MPRD project plans. Consistent with this approach of a phased approval, the applicant has also requested a phased environmental review per WAC 197-11-060(5).

As such, this determination is based on the broad, concept level MPRD proposal and subject to additional detailed environmental studies and proposed mitigation prior to the approval of Step 2. Any significant changes to the concept that would also increase the level of environmental impact are subject to a new or revised SEPA determination.

2. Proponent will mitigate potential impacts to the earth through the implementation of Best Management Practices (BMPs) for Storm and Surface Water management per the Dept of Ecology to prevent erosion during and after construction. A Construction Stormwater General Permit may be required by the Department of Ecology.
3. Stormwater:
 - a. At the time of future development, a stormwater management plan including pipe sizing prepared by a professional engineer and meeting the requirements of the City's Manual for Engineering Design and Development Standards and the approved Department of Ecology Stormwater Manual is required. This plan must be approved by the City of Lynden prior to final approval of the project plans.

- b. At the time of future development, a Stormwater Pollution Prevention Plan (SWPPP) (erosion control and sediment plan) must be included in the drainage plan and construction plans. This must be designed by a professional engineer and constructed in compliance with the Department of Ecology's Best Management Practices (including all known and reliable technologies) and the standards approved in the Manual for Engineering Design and Development Standards.
4. Water and Sewer: The City's adopted Sewer Comprehensive Plan and the Water Comprehensive Plan will need additional review for capacity, according to the proposed number of units, prior to Step 2 approval.

If future plans include the creation of a condominium, the City recommends that each unit must be individually metered.

5. Critical Areas: A Critical Areas Detailed Study that identifies all critical areas (including potential wetlands) must be submitted and approved prior to the approval of Step 2 of the MPRD process.

Duffner Creek, or a tributary of, runs in a ditch along the Guide Meridian on the west side of this property. This is a designated Type "F" (Fish-bearing) stream. Type "F" streams have an associated 100-ft Critical Area Buffer.

The project is proposing a 50% buffer reduction with mitigation alternatives described through a forthcoming Critical Areas Detailed Study. LMC 16.16.380(H) regulates the reduction of buffers and only allows a 25% reduction if specific criteria can be met. The concept plan, as currently being proposed, must be adjusted to reflect LMC 16.16.380(H) buffer reduction regulations prior to Step 1 approval of the MPRD. Prior to Step 2 approval, any impacts to that buffer must be analyzed and have a mitigation plan approved according to the requirements of a detailed study as described in LMC 16.16.

6. Cultural Resources: Compliance with all applicable laws pertaining to archaeological resources is required. A cultural resource assessment may be required prior to Step 2 approval as requested by agency review.

Applicant shall produce an Inadvertent Discovery Plan that identifies protocol for contacting the appropriate authorities and protecting archaeological resources if they are inadvertently found during any future construction activity.

7. Right to Farm: Notification of surrounding agricultural land uses shall be provided on the final plat in accordance with LMC 17.23.
8. Transportation: A full traffic impact analysis of this proposal must be completed prior to Step 2 approval. Minimum standards for street design,

and any proposed modifications to the minimum standards, must comply with LMC 19.29.060.

The project will mitigate impacts to local and regional transportation systems through the payment of traffic impact fees and the completion of all platting requirements including ROW dedications, required off-site improvements and provisions for pedestrian amenities such as sidewalks and public trails.

At the time of future development, all public improvements must be constructed to the standards as noted in the current City of Lynden Manual for Engineering Design and Development Standards.

General Conditions and Disclaimers

This environmental determination does not assure compliance with all state and federal laws. Compliance with all state and federal laws remains the responsibility of the property owner, applicant and designee.

Other City, State and or Federal permits may be required for specific development and construction projects. This SEPA determination does not constitute final approval for this plan or future associated construction projects.

This MDNS is issued under RCW 197-11-340(2); the lead agency will not act on this proposal until the expiration of the comment period noted below.

Responsible Official: Heidi Gudde
Phone: (360) 354-5532

Position/Title: Planning Director

Signature: 

You may appeal this determination to Heidi Gudde no later than **04/08/2020** in writing. You should be prepared to make specific factual objections regarding the environmental impacts. Contact, 300 4th Street, Lynden, phone number (360) 354-5532, to ask about the procedures for SEPA appeals.

There is no agency appeal.