



Date Issued:	January 25, 2021
Project Name:	Fishtrap Creek, LLC
Project Description:	The applicant is requesting a rezone from Commercial Services Regional (CSR) to Commercial Shopping Local (CSL)
Applicant:	Ashley Gosal, Agent for Fishtrap Creek, LLC
Property Owner:	Fishtrap Creek, LLC
Site Address:	8035 Guide Meridian, Lynden
Parcel Number:	400225-531442
Parcel Size and Zoning Designation:	5.66 acres currently zoned CSR (Commercial Services Regional)
Hearing Objective:	To determine whether the proposal meets the criteria listed for a site specific rezone.
Date application determined complete:	December 22, 2020
Date of Publication:	January 27, 2021
SEPA Determination:	DNS Issued on December 31, 2020

Summary:

The agent for the property owner is seeking to rezone this property from Commercial Services Regional (CSR) to Commercial Shopping Local (CSL). The applicant asserts that given the significant growth in the City of Lynden and the need for more housing opportunities and support services, the zoning designations must be updated to accommodate. Additionally, the application argues that by designating the property to be CSL zoning, the City will allow for feasible development of the property and in turn nurture economic growth for residents of Lynden to experience housing opportunities, support services, walkability, and an improved quality of life. A CSL designation would allow for a mixed-use commercial center and multi-family residences.

To be approved, site specific rezone request must demonstrate that it meets the criteria listed in LMC 17.19.050:

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;

B. The proposed site-specific rezone is consistent with the city's comprehensive plan and applicable subarea plan(s);

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.

The rezone application includes a narrative that responds to these criteria. The narrative accurately references relevant goals from the City of Lynden's Comprehensive Plan. Staff completed review of the Site Specific Rezone request and has developed the following comments:

Staff review generated the following comments – many of which are advisory in nature.

Planning Department Comments

1. *Public Health and Safety:* Rezone and future development of the subject property will need to facilitate safe pedestrian movements.
2. *Zoning Designation - Permitted Uses:* Be advised, the Local Commercial Services (CSL) zone allows a wide variety of uses and is subject to the permitted uses as described in LMC 19.23. If the rezone is approved, please note that development within this zone should focus on pedestrian connectivity to the surrounding area and mixed-use development is encouraged.
3. *Design Review:* Be advised, commercial and mixed-use construction is subject to Design Review Board approval prior to permit approval.
4. *Street Trees:* 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.
5. *Transportation Impact Fees:* Be advised, transportation impact fees will be due at the time of permit. The current rate of this fee is \$1309.00 per multi-family unit. The rate for non-residential uses varies, please contact the Planning Department for more information.
6. *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.

7. *Environmental Review:* Conditions associated with the SEPA review (SEPA 20-14) which was conducted concurrently with this application will apply to the proposed development.

Advisory Comments - Public Works Department

8. *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.
9. *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.
10. *Access:* Access standards listed within the City of Lynden's Engineering Design and Development Standards and Washington State Department of Transportation (WSDOT) Standards must be met.
11. *Water:* If future plans include the creation of condominiums, the City recommends that each unit must be individually metered.
12. *Sewer:* Be advised that a city sewer pump station is planned in the southwest portion of the site. Sewer will be pumped north to Bay Lyn Drive and will require the appropriate easement to accommodate. In addition, this station will also serve areas east of SR-539 (Guide Meridian) which will require necessary easements. Financial participation in this infrastructure improvement will be reviewed consistent with the assessed value of any property dedicated to the pump station. Be advised that any additional funds which may fulfill this, and other properties 'fair share' will be pursued through a City-initiated late comer agreement or utility assessment.

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, fire impact fees will be due at the time of permit. The current rate of this fee is \$389.00 per multi-family unit and \$0.28 per square foot for non-residential uses.

Advisory Comments - Parks and Recreation

15. *Park and Trail Amenities:* Future development may require participation and or easements for trail system and parks. Connections to trails and parks will be reviewed at the time of Design Review Board approval.

16. *Park Impact Fees:* Be advised, park impact fees will be due at the time of permit. The current rate of this fee is \$546.00 per multi-family unit, \$234.00 per 1,000 square feet for general commercial and \$140.00 per 1,000 square feet for retail.