

ORIGINAL

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #24-04

**A resolution of recommendation to the Lynden City Council for approval of the
Gosal Annexation #24-02**

WHEREAS, Northwest Surveying and GPS, hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called the "City," for the annexation of approximately 20.45 acres of land (19.47 parcel + 0.98 acres of ROW) into the City of Lynden described as the Gosal Annexation, hereinafter referred to as "the Property"; and

WHEREAS, the Property is legally described as:

DESCRIPTION OF PROPOSED ANNEXATION AREA ALL THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 40, RANGE 3 EAST OF W.M., TOGETHER WITH THE EAST 30 FEET OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 18. SITUATE IN WHATCOM COUNTY, WASHINGTON.

WHEREAS, the Property is within the City's Urban Growth Boundary, identified in the Lynden Comprehensive Plan, and may be annexed under RCW 35A.14.110; and

WHEREAS, the Property as per the adopted future land use map has been slated for future residential development within the zoning category of RMD (Residential Mixed-Density).

WHEREAS, the application was endorsed by more than 60% of the assessed valuation in the proposed annexation area; and

WHEREAS, the City notified the Proponent of the application's completeness on May 22, 2024, and the legal notice of application and public hearing was published by the Lynden Tribune on July 24, 2024; and

WHEREAS, the Proponent has provided the City with an affidavit for the posting of the notice of application and public hearing in three locations near the subject property and the receipts for the certified mailing of said notice to all property owners within three hundred feet of the subject property; and

WHEREAS, upon annexation, the property will be zoned RMD (Residential Mixed-Density); and

WHEREAS, the public interest will be served by this annexation to allow for the accommodation of future growth and represents opportunities for residential development; and

WHEREAS, the development within the annexed area will be required to make appropriate provisions for public health, safety and general welfare; and

WHEREAS, development within the annexed area must provide appropriate provisions for public open spaces, roads, streets, sidewalks and alleys as described in the City of Lynden Comprehensive Plan, the Pepin Creek Subarea Plan, the Transportation Element, and the Lynden Municipal Code; and

WHEREAS, development within the annexed area must make appropriate provisions for public drainage ways, potable water supplies, and sanitary waste and development here will be required to provide extensions of public utilities; and

WHEREAS, development within the annexed area must make appropriate provisions for parks, recreation playgrounds, schools and school grounds; and

WHEREAS, the proposed annexation will not have an adverse effect on the finances, debt structure, or contractual obligations and rights of other governmental units, except for the associated reduction in the Whatcom County tax base; and

WHEREAS, the proposed annexation shall be taxed or assessed to pay its share of any indebtedness of the City of Lynden, Washington, contracted prior to or existing at the date of this annexation, and

WHEREAS, the proposed annexation is logically served by the City of Lynden and will therefore preserve logical service areas; and

WHEREAS, the proposed annexation will concentrate urban development within the city limits and thereby reduce sprawl, consistent with objectives of the Growth Management Act; and

WHEREAS, adequate governmental services and controls in the proposed annexation area can be most efficiently provided by the City of Lynden; and

WHEREAS, As per LMC 19.35.010, nonconforming uses which lawfully exist at the time of the final passage of this ordinance, are permitted to continue and to be maintained and operated. Additional regulation as to conformance, maintenance and vacancy can be found in LMC Chapter 19.35 – Nonconforming Uses; and

WHEREAS, the proposed annexation area is protected by the Right-To-Farm Disclosure Statement as outlined in LMC 17.23.040 (B). This section of code is meant to acknowledge properties that are within or near designated agriculture lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The city of Lynden and Whatcom County has determined that the use of real property for agricultural operations is a high priority and favored use and will not consider to be a nuisance those inconveniences or discomforts arising from farm operations, if such operations are consistent with commonly accepted good management practices and otherwise comply with local, state, and federal laws; and

WHEREAS, the City's Technical Review Committee has reviewed the request for the annexation of property and has provided the following findings and recommendations to the Planning Commission in a report dated July 2, 2024, and

1. The subject property is located within the City of Lynden's Urban Growth Area (UGA) and has been determined by the City to be an appropriate location for future low density residential. Upon annexation, the property would be assigned to the Residential Mixed Density (RMD) zone per the Pepin Creek Sub-Area Plan.
2. Development Plans: The area of annexation falls within the Pepin Creek Sub-area. Future development will be subject to the associated sub-area plan as well as applicable development standards and associated impact fees.
3. Interlocal Agreement: Be advised, the City of Lynden is part of an Interlocal agreement with Whatcom County (Whatcom County Contract No. 202206018). This agreement addresses, among other things, requirements to reimburse the County for infrastructure improvements made while the area of annexation was within County jurisdiction. This may include a review of road / stormwater reimbursements, stormwater / drainage maintenance and ownership, special assessment, and developer reimbursement agreements which may be then assessed to the property owners within the annexation area. The City has contacted Whatcom County to begin this discussion.
4. Critical Areas: Any critical area buffers and restrictions related to development will be applied as outlined in the City's critical area ordinance (LMC 16.16). Double Ditch (also called Pepin Creek) is a (Type F) fish-bearing stream and has a 100 ft buffer associated with it. In addition, this site may also have non delineated wetlands. If wetlands are present on-site future delineations will be necessary.
5. Water: The proposed annexation area is within the City's water comprehensive plan. All extensions shall be made in accordance with the adopted plans and standards.
6. Water Rights: At the time of development, all properties may be required to transfer their water rights to the City of Lynden
7. Sewer: The proposed annexation area is within the City's sewer comprehensive plan. All sewer extensions shall be made in accordance with these adopted plans and standards. To ensure adequate sewer service to the proposed annexation, future development will require participation in a regional sewer pump station.
8. Stormwater: This area is within the City's Stormwater Comprehensive Plan. Be advised, a stormwater management plan prepared by a professional engineer will be required for new 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.

- a. Right-of-way dedication is required along the east property line to accommodate the Pepin Creek storm drainage plan.
- b. 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.
- c. Existing businesses and farms may be subject to an inspection for stormwater source control to address potential stormwater quality concerns.

9. Transportation: This area is within the City's Transportation Plan. Future development will be required to develop roadway networks consistent with this plan. Required easements and right-of-way dedications will be determined at time of development.

10. Impact Fees: Future development will be subject to assessed fees in order to mitigate the impact that development will have on the City's Park, Fire, and Transportation Systems in addition to the Transportation Impact Fee specific to the Pepin Creek Subarea. Some of these fees are due at the time of plat while others are assessed at the time of building permit.

WHEREAS, the Lynden Planning Commission held a public hearing on August 8, 2024, at the Lynden City Hall Annex, 205 4th Street, Lynden, Washington, to accept public testimony on the proposed annexation, and that meeting was duly recorded;

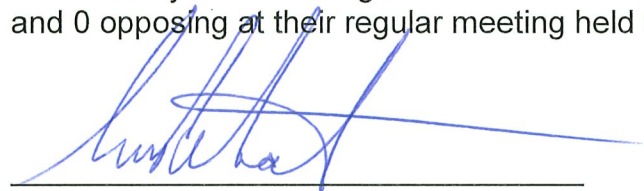
WHEREAS, the Lynden Planning Commission reviewed the criteria listed in LMC 17.09.040(C) and found that the application meets the requirements relevant to the proposal.

NOW THEREFORE, the Planning Commission having reviewed the recommendations of the Technical Review Committee makes the following findings of fact:

1. The requested annexation is located within the City of Lynden's Urban Growth Area and is therefore eligible for annexation; and
2. The zoning identified for the annexation is consistent with the area and the Comprehensive Plan.

BE IT RESOLVED by the Lynden Planning Commission to recommend to the City Council the approval of the *Gosal Annexation #24-02*, as requested subject to the Technical Review Committee Report dated July 2, 2024, and if determined to be prudent, assess Whatcom County's infrastructure improvement costs to the benefiting properties.

PASSED by the Planning Commission of the City of Lynden by of vote of 4 supporting and 0 opposing at their regular meeting held the 8th day of August 2024.



Blair Scott, Vice Chair
Lynden Planning Commission



Heidi Gudde, Director
Community Development Department