



July 2, 2024

CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE STAFF REPORT

Re: The application of Northwest
Surveying & GPS, Inc. for Annexation
Application #24-02.

ANNEX #24-02, Gosal Annexation
FINDINGS, CONCLUSIONS, AND
RECOMMENDATION

I. APPLICATION SUMMARY AND RECOMMENDATIONS

Proposal: The request includes an application to annex approximately 20.45 acres (including a 19.47-acre parcel and 0.98 acres of the Double Ditch ROW) located within the UGA.

Recommendation: The Technical Review Committee recommends approval of the proposed annexation request, subject to the conditions of approval described in the conclusions of this document.

II. PRELIMINARY INFORMATION

Applicant / Agent: Heather Mussard, Northwest Surveying & GPS

Property Owner: Gosal Farms, Inc.

Property Location: 8700 Double Ditch Road, Lynden

Notice Information:

Application Submitted:	May 16, 2024
Notice of Completeness:	May 22, 2024
Notice of SEPA determination:	N/A
Notice of Hearing:	June 12, 2024
Comment Period Ending:	June 26, 2024

SEPA Review: SEPA will be required at time of future development.

Authorizing Codes, Policies, and Plans:

- Annexation Authority
 - RCW 35A.14.110 – Petition Method

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- RCW 35A.14.120 – Authority / Proceedings
 - RCW 35A.14.330 – Zoning regulation
 - RCW 35A.14.340 – Notice of Hearing
- Boundary Review Board – RCW 36.93
- Comprehensive Plan
 - Policy 2 E
 - Transportation Element
 - Pepin Creek Sub-Area
- LMC Chapter 17 Land Development
 - LMC Chapter 17.09, Review and Approval Process
 - LMC Chapter 17.09.040, Planning Commission Review and Recommendation
- Interlocal Agreement - Whatcom County Contract No. 202206018

III. PROJECT DESCRIPTION

The subject properties include approximately 20.45 acres (including a 19.47-acre parcel and 0.98 acres of the Double Ditch ROW) located within Lynden's urban growth area (UGA). The property is currently agriculture in nature and is contiguous and adjacent to incorporated portions of the City of Lynden including the recently annexed Benson Park and Weg Properties.

The proposed annexation action would encompass a portion of the unincorporated UGA located at the northern edge of the City. If added, this would extend the City limits to the Double Ditch Road and approximately 1264-feet south of East Badger Road. The City's Comprehensive Plan assigns land use within UGA areas while specific zoning categories are typically designated at the time of annexation.

The Gosal Farms property is part of the Pepin Creek Subarea and growth here would be guided by the associated plan. The property also benefits from the infrastructure improvement projects known as "Pepin Lite" and is subject to the associated transportation impact fee put in place in August of 2021. If annexed, this particular parcel is slated to join the city with a zoning category of Residential Mixed Density (RMD). A category that allows single-family and duplex housing types. The proposed

annexation area represents opportunities for residential growth and comprehensive utility network planning. The anticipated density is approximately 100 new housing units.

IV. PUBLIC NOTICE AND COMMENT

Notice of Application: Formal legal notice for this application was published in the Lynden Tribune on June 12, 2024.

Public Comment Received: None

V. ANALYSIS AND CONSISTENCY WITH REGULATIONS

Policy 2E of the Comprehensive Plan reads as follows: ***“The City of Lynden will maintain a lot inventory, or land supply, sufficient for five years of growth, at the densities designated through the Comprehensive Plan. The City will also focus on the Boundary Review Board criteria for the recommendation of future annexations as well the issues of capital improvements and financing. Where the establishment of a logical boundary may cause the City to exceed the necessary acreage for the adopted land supply, the City will phase the zoning for development in order to maintain the five year supply of land zoned appropriately for development.”***

VI. TECHNICAL REVIEW COMMITTEE COMMENTS

This application does not include a development proposal and any future development of the site will require a new application and review process. The following are issues to consider while drafting future development plans.

1. 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.
2. 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

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assessment, and developer reimbursement agreements which may be then assessed to the property owners within the annexation area. The City has reached out to Whatcom County to begin this discussion.

3. 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.
4. 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.
5. Water Rights: At the time of development, all properties will be required to transfer their water rights to the City of Lynden
6. 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.
7. 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.
8. Transportation: This area is within the City's Transportation Plan. Future development will be required to develop roadway networks consistent with this

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plan. Required easements and right-of-way dedications will be determined at time of development.

9. 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.

VII. RECOMMENDATION

Approval of this proposed annexation does not release the applicant from any other local, State, or Federal statutes or regulations applicable to the application or proposed future development.

The Technical Review Committee (TRC) has concluded its review with a recommendation to approve the request to annex approximately 20.45 acres (including a 19.47-acre parcel and 0.98 acres of the Double Ditch ROW) from the UGA into the City of Lynden subject to the conditions outlined in this report dated July 2, 2024.