

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #23-06

**A resolution of recommendation to the Lynden City Council for approval of the
Weg Annexation #23-01**

WHEREAS, Richard and Carol Weg hereinafter called the “Proponent,” submitted a complete application to the City of Lynden, hereinafter called the “City,” for the annexation of approximately 45.11 acres into the City of Lynden commonly described as 8634 Double Ditch Road, hereinafter referred to as “the Property”; and

WHEREAS, the Property is legally described as:

The Northwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 18, Township 40 North, Range 3 East of W.M.; except the East 75 feet thereof; together with the East 30 feet of the Northeast Quarter of the Southwest Quarter of said Section 18; and

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 falls within the Pepin Creek Subarea and per the adopted subarea plan has been slated for future residential development within the zoning category of Residential Mixed Density (RMD); and

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 October 4, 2023, and the legal notice of application and public hearing was published by the Lynden Tribune on October 18, 2023; 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 Residential Mixed Density (RMD); and

WHEREAS, the public interest will be served by this annexation to allow for the accommodation of future growth in an area planned for residential use; 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 a small 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 be provided by the City of Lynden; 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 November 3, 2023:

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 multi-family residential development. Upon annexation, the property will be zoned as RMD. There are no other land use issues identified at this time.
2. This application does not include a development proposal therefore, it is important to note that any future development of the properties will require a new application and review process. Upon annexation, the property will be zoned as Residential Mixed Density (RMD) as pre-determined by the Pepin Creek Sub-area Plan.
3. The RMD zoning designation and the associated development standards are described in Lynden Municipal Code (LMC) 19.16. It will allow flexible use of density as it permits both single-family and duplex housing types on a range of lot sizes with attached (zero lot line) units on lots as small as 4,000 square feet. The minimum density required within the RMD zoning in the Pepin Creek Subarea is 5 units per acre and the maximum permitted is 8 units per acre.

4. The area of annexation falls within the Pepin Creek Sub-area. Future development is subject to the Pepin Creek Sub-area plan as well as applicable development standards and associated impact fees.
5. Critical area setbacks related to the existing and proposed Pepin Creek channel will be applied as outlined in the City's critical area ordinance.
6. The area is within the City's water and sewer comprehensive plans. All water and sewer extensions shall be made in accordance with these adopted plans. Future development will be required to contribute toward the costs of the proposed pump station 18, which is needed to ensure adequate service to the area of annexation.
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. 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.
8. This area is within the City's Transportation Plan. Future development will be required to develop roadway networks consistent with this plan.
9. Future development will be subject to assessed fees in order to mitigate the impact on the City's Park, Fire, and Transportation Systems. Some of these fees are due at the time of plat while others are assessed at the time of building permit. Also, this property is located within the Pepin Creek Service Area which has an additional Transportation Impact Fee due to infrastructure needs in this section of the City.

WHEREAS, the Lynden Planning Commission held a public hearing on November 9, 2023, 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 approval of the *Weg Annexation #23-01*, to the City Council as requested, by a vote of 6-0, and further subject to the Technical Review Committee Report dated November 3, 2023.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their regular meeting held the 9th day of November 2023.



Tim Faber, Chair
Lynden Planning Commission



Heidi Gudde, Director
Community Development Department