

ORDINANCE NO. 25-1707

AN ORDINANCE OF THE CITY OF LYNDEN FOR THE GOSAL ANNEXATION TO THE CITY OF LYNDEN

BACKGROUND

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 21.35 acres into the City of Lynden which lies north and west of the current city limits, referred to as "the Property"; and

WHEREAS, the Property is legally described as shown and depicted in **Exhibit A**; 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 application was endorsed by more than 60% of the assessed valuation in the proposed annexation area.

PROCESS

WHEREAS, Northwest Surveying and GPS, Inc, is the agent representing the applicants, and submitted an Annexation application (Annex 24-02) which was determined to be complete on May 22, 2024, and the legal notice of application and public hearing was published by the Lynden Tribune on June 12, 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, the City's Technical Review Committee has reviewed the request for the annexation of property and has provided the following findings and recommendations in a report dated July 2, 2024; and

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; and

WHEREAS, the Lynden Planning Commission reviewed the proposed application for the annexation of 21.35 acres into the City of Lynden and has provided

recommendation to the Lynden City Council in Planning Commission Resolution 24-04; and

WHEREAS, on September 3, 2024, the Lynden City Council held a public hearing on their intent to annex the Gosal property and voted to approve as represented in Resolution 24-1103; and

WHEREAS, as part of the annexation process, the City submitted a complete Notice of Intention to the Whatcom County Boundary Review Board, which was accepted for filing on December 17, 2024 as BRB file #2024-03 with a 45 day comment period ending on January 30, 2025; and

WHEREAS, On January 30, 2025, pursuant to RCW 36.93.100, the Whatcom County Boundary Review Board issued approval of the Notice of Intent for the Gosal Annexation; and

WHEREAS, the public interest will be served by this annexation as it is consistent with the City's long range growth plans and allows for the accommodation of future housing stock into the City limits; and

WHEREAS, the development within the annexed area will be required to make appropriate provisions for public health, safety and general welfare including the extension of utilities, frontage improvements, and the payment of impact fees; 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 has been slated to join the City of Lynden since it was added to the Urban Growth Area and 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 the 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.

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.01 Application. Northwest Surveying and GPS, Inc, ("Applicant") filed an annexation application on behalf of Gosal Farms, Inc, ("Owner") which was accepted by the City as complete on May 16, 2024.

1.02 Location. The Property is located at 8700 Double Ditch Road in unincorporated UGA Lynden, Whatcom Co., Washington as described above.

1.03 Reason for Request. The request is for the annexation of property for future residential development. This area represents opportunities for residential growth within the Pepin Creek Sub-Area.

1.04 Critical Area Review. Critical area review will be done at time of development

1.05 SEPA Determination. A formal notice of the SEPA Determination will be made at the time of a property development application.

1.06 Findings from Annex 24-02 Incorporated Herein. All Findings of Fact from Annex 24-02 are incorporated herein by this reference. If there is a conflict between any of the Findings of Fact in Annex 24-02, the Findings of Fact outlined in this document shall apply.

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 development. Upon annexation, the property will be zoned as Residential Mixed Density (RMD).
2. 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: 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 reached out to Whatcom County to begin this discussion.

1.07 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.

1.08 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.

1.09 Water Rights. At the time of development, all properties will be required to transfer their water rights to the City of Lynden.

1.10 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.

1.11 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.

1. Right-of-way dedication is required along the east property line to accommodate the Pepin Creek storm drainage plan.
2. 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.
3. Existing businesses and farms may be subject to an inspection for stormwater source control to address potential stormwater quality concerns.

1.12 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.

1.13 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.

2. CONCLUSIONS OF LAW

2.01 Appropriate Provisions Made for Open Spaces, Roads, Streets, Sidewalks, and Alleys. Future development applications will make appropriate provisions for public open spaces, roads, streets, sidewalks, and alleys consistent with the City's Comprehensive Plan, the Pepin Creek Sub-area Plan, and the Transportation Element.

2.02 Potable Water Supplies, Sanitary Wastes and Drainage Ways. Future development applications will make provisions for public drainage ways, potable water supplies, and sanitary wastes.

2.03 Public Interest. The application is consistent with the City's comprehensive plan and the Growth Management Act as it will provide opportunities for future residential inventory accommodating expected population growth.

2.04 Appropriate Provisions for Promoting Public Health, Safety and Welfare. Future development applications will make appropriate provisions for promoting Public Health, Safety and Welfare.

2.06 Conclusions from Annex 24-02 Incorporated Herein. All Conclusions and Conclusions of Law from Annex 24-02 are incorporated herein by this reference to the extent not inconsistent with the above Conclusions of Law. If there is a conflict between any of the above Conclusions of Law and the Conclusions of Law or Conclusions in Annex 24-02, the above Conclusions of Law shall control.

Any of the foregoing Finding of Fact which should rather have been designated Conclusions of Law, and Conclusions of Law which should rather have been designated Findings of Fact, shall be validated as such and so conformed.

The foregoing recitals are a material part of this Decision.

Section 3: The Property shall become a part of the City of Lynden and shall be subject to all laws, ordinances and resolutions of the City including any part of the comprehensive plan of said City hereinafter to be adopted with reference to Property and shall be therein designated as follows: Residential Mixed Density (RMD) as per the Pepin Creek Subarea Plan, for land purposes, until otherwise classified.

Section 4: IT IS FURTHER PROVIDED that the Property 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.

Section 5: IT IS FURTHER PROVIDED that the annexation of the Property described in SECTION 1 above, being all of the property described in said petition, is subject to the conditions outlined in the Technical Review Committee Report and Planning Commission Resolution 24-04.

Section 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7: If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 8: This ordinance shall take effect and be in force from and after its passage by the City Council and approval by the Mayor, if approved, otherwise as provided by law and five (5) days after the date of publication.

AFFIRMATIVE VOTE ____ IN FAVOR, AND ____ AGAINST, AND SIGNED BY THE
MAYOR THIS _____ DAY OF _____, 2025.

Scott Korthuis, Mayor

ATTEST:

Pamela Brown, City Clerk

APPROVED AS TO FORM:

Robert Carmichael, City Attorney

EXHIBIT A

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 ENTIRE RIGHT-OF-WAY OF COUNTY ROAD No. 106, KNOWN AS DOUBLE DITCH ROAD LYING WITHIN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 18 AND SAID RIGHT-OF-WAY LYING WITHIN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 18. SITUATE IN WHATCOM COUNTY, WASHINGTON.

