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| Date Issued: | October 30, 2023, Revised Nov. 3, 2023 |
| Project Name: | Weg Annexation (23-01) |
| Applicant: | Northwest Surveying & GPS, Inc. |
| Property Owners: | Richard and Carol Weg |
| Site Address: | 8634 Double Ditch Road |
| Parcel Number: | 400318-365228 |
| Zoning Designation: | RMD upon annexation |
| Application Type: | Annexation |
| Parcel Size: | 45.11 acres |
| Hearing Type: | Legislative |
| Hearing Objective: | To determine whether the timing is appropriate for the inclusion of said parcel within the city's corporate limits. |
| Date application determined complete: | October 4, 2023 |
| Date of Publication: | October 18, 2023 |
| SEPA Determination: | N/A |
| Project Description: | The annexation of property for future residential development and to help facilitate the future construction of the relocated Pepin Creek channel. |

The subject property is located within Lynden's urban growth area (UGA). The site has been determined by the City to be appropriate for future residential development and for the future construction of Pepin Creek.

Annexation Analysis. The City of Lynden considers the following at the time of annexation.

- 1. Whether the City shall accept, reject or geographically modify the proposed annexation area;***

TRC Review:

The Technical Review Committee is recommending acceptance of the annexation area as proposed which represents a single parcel that is contiguous with city boundaries on both the south and east sides.

2. *Whether the City shall require simultaneous adoption of a proposed zoning regulation consistent with the City Comprehensive Plan and applicable sub-area plan;*

TRC Review:

The Technical Review Committee is recommending simultaneous adoption of zoning regulation as outlined in the Pepin Creek Sub-Area Plan.

3. *If such a proposal has been prepared and filed in the area to be annexed as provided for in RCW 35A.14.330 and RCW 35A.14.340;*

TRC Review:

RCW 35A.14.330 recognizes that the City of Lynden, upon annexation, has the authority to assign development standards to the subject piece of property with the expectations that “all such regulations and restrictions are designed to encourage the most appropriate use of land throughout the area to annexed. to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.”

RCW 35A.14.340 requires cities to follow appropriate notice and hearing procedure. The notice in this case includes a notice of application as well as a notice of hearing. These have been completed as required by State and City code.

4. *Whether it shall require the assumption of indebtedness by the area to be annexed.*

TRC Review:

The subject property does not include indebtedness such as an assessment associated with major infrastructure projects however it will require the City of Lynden to assume responsibility for the entire portion of Double Ditch Road and the associated drainage systems within the right-of-way for the length fronting the subject property. Additionally, the annexation of the property will shift Police and Fire jurisdiction from Whatcom County services to City of Lynden Services.

Policy regarding these responsibilities and growth, in light of the Comprehensive Plan Policy 2E discussed below.

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.”***

The Community Development Department can report that across the city there are, or are slated to be, approximately 263 single family residential lots available and approximately 477 multi-family units, which include the recent projects of Lions Gate PRD, Kamm Creek PRD, Kode Kamp Vista, Cascade Flats, Towns Edge Apartments, City Gate Mixed Use and Riverwalk. There are a number of small subdivisions representing infill projects throughout the city that will also supply additional single family home lots.

Together these numbers represent about four years’ worth of residential construction as the city has seen an average of 77 single-family units and an average of 80 attached multi-family units annually.

It should be noted that there is often a significant delay between the annexation of property and the provision of services and development of property. Additionally, due to the complexity of design and development within the Pepin Creek Sub-Area, time will be needed to address stormwater challenges and accommodate significant infrastructure improvements.

Upon annexation, the property will be zoned as Residential Mixed Density (RMD) as pre-determined by the Pepin Creek Sub-area Plan. This 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.

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. 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.
2. Critical area setbacks related to the existing and proposed Pepin Creek channel will be applied as outlined in the City's critical area ordinance.
3. 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.
4. 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. 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.
5. This area is within the City's Transportation Plan. Future development will be required to develop roadway networks consistent with this plan.
6. Future development will be subject to assessed fees in order to mitigate the impact it has 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 the infrastructure needed in this section of the City.

Planning Commission Review

The Planning Commission is asked to review each land use application against the criteria listed in LMC 17.09.040(C). As these criteria are applied to every application some of the criteria are not always relevant to the proposal. Staff has reviewed the application against these criteria and provided analysis to each as applicable.

1. ***The development is consistent with the comprehensive plan and meets the applicable requirement of the intent of this code.***

TRC Review:

Development is not proposed at this time. This annexation is consistent with the comprehensive plan and the Pepin Creek Sub-Area plan. The property is

anticipated to join the city with a residential zoning. Additionally, the city is now working with consultants to develop more detailed transportation and utility plans which include this property. Future development will be reviewed for consistency.

- 2. The development makes adequate provisions for open space, drainageways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds.***

TRC Review

Development is not currently proposed. Future development will be required to be consistent with the Pepin Creek Sub-Area and to make provisions for the items listed here.

- 3. The development adequately mitigates impacts identified under Titles 16-19 (Environmental Policy, Land Development, Subdivisions, and Zoning)**

TRC Review

Titles 16 – 19 will be addressed at the time of development. Annexation in this area is consistent with the Comprehensive Plan. The Pepin Sub-Area plan has assigned a zoning designation of Residential Mixed Density (RMD). Applicable RMD development standards will be applied at the time of development.

- 4. The development is beneficial to public health, safety and welfare and is in the public interest.**

TRC Review

The annexation itself does not positively or negatively affect public health, safety and welfare. In the long-term, the project serves the public interest in that it represents additional housing capacity that is adjacent to existing city services. Infrastructure improvements associated with development in this area will include some regional benefits to the public interest such as roadway improvements and contributions to the Fire Protection and Park Services via impact fees.

- 5. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established with the comprehensive plan, and fully complies with Chapter 17.15 of the city code.**

TRC Review

The annexation itself does not affect service level. The additional future residential growth, represented by this annexation, may impact services, will not be permitted to lower the level of service (LOS) below those standards established in the city's comprehensive plan. Impacts to service levels must be mitigated by improvements or the payment of impact fees. Analysis of impacts

will occur through SEPA or similar environmental review at the time of development.

- 6. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development and are proportional to the impacts created by the development.**

TRC Review

The Technical Review Committee is not recommending specific dedications in association with the annexation request. Dedications for infrastructure will correlate with proposed development.