



April 4, 2024

CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE STAFF REPORT

Re: The application of Northwest Surveying & GPS, Inc. for Annexation Application #24-01.

ANNEX #24-01, Southwest Lynden Annexation FINDINGS, CONCLUSIONS, AND RECOMMENDATION

I. APPLICATION SUMMARY AND RECOMMENDATIONS

Proposal: The request includes an application requesting an annexation that includes the remainder of the unincorporated UGA located at the southwestern edge of the City. This extends to the intersection of Birch Bay Lynden Road and Berthusen Road and encompasses approximately 279 acres.

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: John Doornbos, William Vander Hage and D&S Land Holdings

Property Location: 279 acres in Lynden's southwest unincorporated UGA

Notice Information:

Application Submitted:	February 6, 2024
Notice of Application:	February 23, 2024
Notice of SEPA determination:	N/A
Notice of Hearing:	March 20, 2024
Comment Period Ending:	April 3, 2024

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

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Authorizing Codes, Policies, and Plans:

- Annexation Authority
 - RCW 35A.14.110 – Petition Method
 - 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 279 acres located within Lynden’s urban growth area (UGA). This area has been slated for future residential and industrial development.

The proposed annexation action would encompass the remainder of the unincorporated UGA located at the southwestern edge of the City. If added, this would extend the City limits to the intersection of Birch Bay Lynden Road and Berthusen Road. The City’s Comprehensive Plan assigns land use within UGA areas while specific zoning categories are typically designated at the time of annexation. If annexed, the area would include properties that will accommodate Industrial and Medium-density Residential land uses to the City. The annexation area also includes the City-owned parcel that contains the West Lynden Regional Stormwater Pond which would be zoned Public Use (PU).

The west Lynden area represents opportunities for both residential and business growth near the commerce and transportation corridor of the Guide Meridian. The annexation area south of Birch Bay Lynden Road currently contains large-parcel single family lots

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and easterly properties in this area remain low density residential – accommodating single-family homes and possibly duplex housing types. Approximately 40 acres on the south of Birch Bay Lynden Road but at the western edge of the UGA is slated to become industrially zoned. This area, along with the new low-density residential would become part of the West Lynden Gateway Subarea. The large parcels north of Birch Bay Lynden Road will be zoned for Industrial uses but will be part of the West Lynden Commercial Sub-Area. Annexation at this scale facilitates a comprehensive and proactive planning approach for infrastructure and stormwater facilities that may be needed as this area develops or redevelops.

The Community Development Department can report that across the city there are, or are slated to be, approximately 224 single family residential lots available and approximately 477 multi-family units, which include the recent projects of Lions Gate PRD, Towns Edge Apartments, City Gate Mixed Use proposal, and the Riverwalk condominium development. 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 three years' worth of residential construction as the city has seen an annual average of 72 single-family units and 82 attached multi-family units.

IV. PUBLIC NOTICE AND COMMENT

Notice of Application: Formal legal notice for this application was published in the Lynden Tribune on March 20, 2024.

Public Comment Received:

Only one comment specific to the proposed annexation was received by Glen Tromp on March 29, 2024. Mr Tromp indicated his opposition to the annexation with no further details provided.

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. The area of annexation falls within the West Lynden Commerce and West Lynden Gateway sub-areas. Future development will be subject to the associated sub-area plans 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 assessment, and developer reimbursement agreements which may be then assessed to the property owners within the annexation area. To date the City has reached out to Whatcom County to begin this discussion.
3. Any critical area buffers and restrictions related to development will be applied as outlined in the City's critical area ordinance (LMC 16.16). Duffner Creek, a fish-bearing stream, flows through a section of the annexation area and has a 100 ft buffer associated with it. Furthermore, the Nooksack River floodplain touches the southern portion of some of the existing lots south of Birch Bay Lynden Road. Any development that impacts the floodplain would be subject to the City's floodplain management regulations (LMC 16.12).
4. Water and Sewer: 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. To ensure adequate sewer service to the proposed annexation area, future development may require participation in a new pump station or contributions toward the costs associated with the recently constructed Pump Station 17.
5. Water Rights: At the time of development, all properties will be required to transfer their water rights to the City of Lynden.

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6. 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.
 - b. Existing businesses and farms may be subject to an inspection for stormwater source control to address potential stormwater quality concerns.
7. Transportation: This area is within the City’s Transportation Plan. Future development will be required to develop roadway networks consistent with this plan including but not limited to right-of-way requirements and easements along Tromp Road, Birch Bay Lynden Road, Bay Lyn Drive, Flynn Road and Berthusen Road.
8. 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. 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 279 acres from the UGA into the City of Lynden subject to the conditions outlined in this report dated April 4, 2024. This is recommended on the condition that the City Council review and, if determined to be prudent, assess Whatcom County’s infrastructure improvement costs to the benefitting properties.

Additionally, the TRC suggests the Council consider the following zoning assignments:

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1. Residential Mixed Density (RMD) to the low-density residential property as it offers flexibility in lot sizes and may include duplex housing types; and
2. TRC recommends the industrially zoned properties south of Birch Bay Lynden Road be assigned Industrial Business Zone (IBZ) which is the industrial zone with lower impacts; and
3. The industrially zoned property north of Birch Bay Lynden Road be assigned Industrial District (ID) to accommodate the greatest number of industrial uses and to be consistent with nearby zoning.
4. The city-owned parcel be zoned Public Use (PU).