

ORDINANCE NO. 1506

**AN ORDINANCE OF THE CITY OF LYNDEN
TO PROVIDE ANNEXATION TO THE CITY OF LYNDEN**

WHEREAS, Lesa Starkenburg-Kroontje, Attorney for the Estate of Gordon C. Van Dragt, hereinafter called the "Proponent," submitted a complete application for the annexation of approximately 1.57 acres, as described in EXHIBIT A, into the City for future single family development; and

WHEREAS, the subject 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; and

WHEREAS, the City notified the Proponents of the application's completeness on September 8, 2015, and the legal notice of application and public hearing was published by the Lynden Tribune on September 23, 2015; and

WHEREAS, the public interest will be served by this annexation; and

WHEREAS, the Proponent's plans make appropriate provisions for public health, safety and general welfare; and

WHEREAS, the Proponent plans to make appropriate provisions for public open spaces, roads, streets, sidewalks and alleys; and

WHEREAS, the Proponent plans to make appropriate provisions for public drainage ways, potable water supplies, and sanitary wastes; and

WHEREAS, the Proponent plans to 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, co-operation between the City's Fire Department with that of the North Whatcom Fire & Rescue District No. 21 has been established to serve this area as needed; and

WHEREAS, the City of Lynden will provide adequate police protection to the proposed annexation area on a twenty-four (24) hour basis and can more efficiently and effectively provide such service to the area than the Whatcom County Sheriff's Office; 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 provided by the City of Lynden; and

WHEREAS, the Council has reviewed the report of the Technical Review Committee and has determined that the findings are accurate and that its recommended conditions are appropriate conditions to place upon the annexation; and

WHEREAS, the above recitals are hereby adopted as findings of fact by the Lynden City Council in support of the proposed annexation; and

WHEREAS, on November 2, 2015, at their regular scheduled meeting the City Council reviewed the request and following said meeting the City Council adopted a resolution of intent to approve said annexation (Resolution No. 930); and

WHEREAS, on March 19, 2016, the Whatcom County Boundary Review Board ("Board") notified the City that the time for invoking jurisdiction had passed and therefore the annexation was deemed approved by the Board subject to adoption of a final annexation ordinance by the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Lynden, as follows:

Section 1: The real property described as follows (hereafter "Property"), being all of the property described in said petition, is hereby annexed to the City of Lynden, County of Whatcom, State of Washington:

Legal Description

THE WEST 21 RODS OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER LYING SOUTH OF THE SOUTH LINE OF MOUNTAIN TERRACE, AN ADDITION TO THE CITY OF LYNDEN, AS RECORDED IN BOOK 9 OF PLATS, PAGE 37, ALL IN SECTION 21, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M. SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL # 400321- 149442

Commonly Described as: 1.57 acres south of Terrace Drive, Lynden.

Section 2: 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 RS-100 zoning, as per City of Lynden Zoning Map for said area, for land purposes, until otherwise classified.

Section 3: 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 4: 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 15-04.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6: 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 7: 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 5 IN FAVOR, AND 0 AGAINST, AND SIGNED BY THE MAYOR THIS 4th DAY OF April 2016.


MAYOR

ATTEST:


MIKE MARTIN, City Clerk

APPROVED AS TO FORM:


ROBERT CARMICHAEL, City Attorney

Exhibit A , Ordinance No. 1506

Township 40 North, Range 3 East, Section 21



**WHATCOM COUNTY
BOUNDARY REVIEW BOARD**

600 Lakeway Drive
Bellingham, WA 98225-5236



To: Interested Parties

Subject: Notice of Intention, BRB 2016-01
City of Lynden, annexation of 1.57 acres

From: Kristine Glasgow, Chief Clerk *King*
Boundary Review Board for Whatcom County

Date: February 3, 2016

The complete Notice of Intention for the proposed annexation of 1.57 acres into the City of Lynden was received by the Boundary Review Board for Whatcom County and, after review for completeness of the materials and accuracy of the legal description of the affected property, was accepted for filing February 3, 2016.

The forty-five day lapse period, day one being the file date, ends March 18, 2016. The request for review document is included.

Please contact me at 360-676-6749 or glasgkm@dshs.wa.gov if you have any questions.

See attached Checklist for distribution.