

ORDINANCE NO. 1509

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

WHEREAS, Darryl Roosendaal on behalf of all joint tenants in common, hereinafter called the "Proponent," submitted a complete application for the annexation of approximately 80.71 acres, as described in EXHIBIT A, into the City for future single family development and to facilitate the future construction of Pepin Creek; 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 November 2, 2015, and the legal notice of application and public hearing was published by the Lynden Tribune on November 18 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, on August 19, 2013 the City adopted the April 2009 Amendment to the January 1992 Stormwater Management Plan identifying the "Pepin Creek" project and it's need to reduce or eliminate flooding; and

WHEREAS, the above amendment identifies the need of Pepin Creek to be constructed to allow further development in the area that includes this annexation; and

WHEREAS, the City has begun implementation of the Pepin Creek project; and

WHEREAS, the City has identified the need for the completion of the Pepin Creek project prior to development; 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 January 19, 2016, the City Council held a public hearing and determined that the property could be zoned Residential Mixed Density (RMD), if annexed, and that it would be subject to all bond issues of the City of Lynden; and

WHEREAS, following said hearing the City Council adopted a resolution of intent to approve said annexation Resolution No.940; and

WHEREAS, on, May 17, 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 southwest quarter of the southeast quarter of Section 18, Township 40 North, Range 3 East of W.M

*Together with the east 30 feet of southeast quarter of the southwest quarter of Section 18, Township 40 North, Range 3 East of W.M.
(West half of Double Ditch Road)*

Also together with the east half of the southeast quarter of Section 18, Township 40 North, Range 3 East of W.M.

Except, the north half of the northeast quarter of the southeast quarter of Section 18;

And Except, the east 550 feet of the south 125 of the north half of the south half of the northeast quarter of the southeast quarter of Section 18;

And Except, the east 550 feet of the south half of the south half of the northeast quarter of the southeast quarter of Section 18;

And Except, the east 550 feet of the north 135 feet of the southeast quarter of the southeast quarter of Section 18;

And Except, the east 170 feet of the north half of the south half of the of the north half of the south half of the southeast quarter of the southeast quarter of Section 18;

And Except, the east 245 feet of the south half of the south half of the north half of the south half of the southeast quarter of the southeast quarter of Section 18;

And Except, the south half of the south half of the southeast quarter of the southeast quarter of Section 18.

Commonly Described as: 80.71 acres east of Double Ditch Road and west of the West View Addition Long Plat in 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 RMD 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 15-06.

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 7 IN FAVOR, AND 0 AGAINST, AND SIGNED BY THE MAYOR THIS 6th DAY OF June 2016.


MAYOR

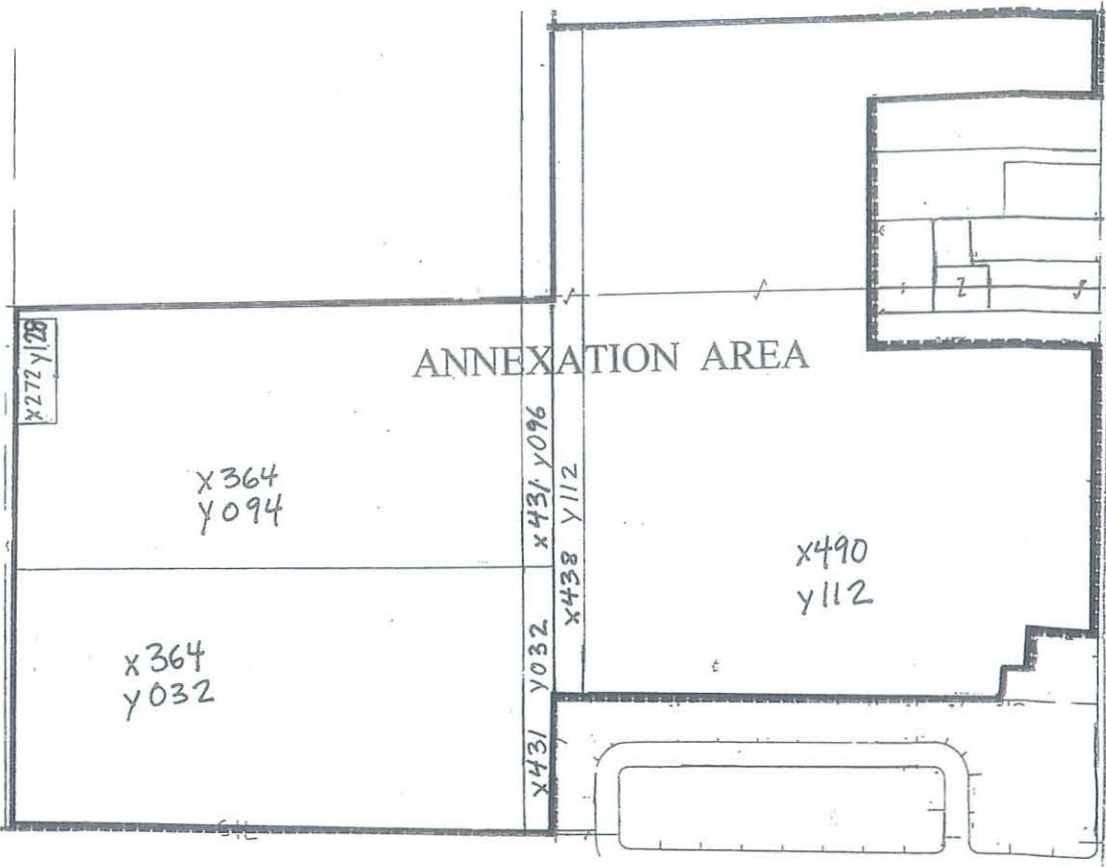
ATTEST:


MIKE MARTIN, City Clerk

APPROVED AS TO FORM:


ROBERT CARMICHAEL, City Attorney

EXHIBIT A
Annexation Area, Being in the Southeast Quarter
Township 40 North, Range 3 East, Section 18



WHATCOM COUNTY
BOUNDARY REVIEW BOARD

600 Lakeway Drive
Bellingham, WA 98225-5236



RECEIVED

MAY 23 2016

MAYOR'S OFFICE

May 17, 2016

Robert Carmichael
City of Lynden
300 4th Street
Lynden, WA 98264

Subject: BRB #2016-02, City of Lynden Annexation of 80.71 acres

Dear Mr. Carmichael,

The 45-day time period for taking jurisdiction of BRB #2016-02 expired May 13, 2016. Therefore, the Notice of Intention to annex 80.71 acres into the City of Lynden, as described in file BRB #2016-02 is deemed approved pursuant to RCW 36.93.100.

The City of Lynden must give final approval to the annexation and if approved shall submit one original and six copies of the Final Ordinance, **including the BRB file number** to:

Kristine Glasgow, Chief Clerk
Boundary Review Board for Whatcom County
600 Lakeway Drive, Suite 100
Bellingham, WA 98225

This will insure that all appropriate Whatcom County Departments are notified and adjustments are made to maps. This requirement is in addition to any state requirements.

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

Sincerely,

Kristine Glasgow, Chief Clerk
Boundary Review Board for Whatcom County

Copy: Whatcom County Executive
Public Works, Engineering
Whatcom County Assessor
Whatcom County Sheriff
City of Lynden Planning Director
Lynden Regional Parks & Recreation District
Board Members

Whatcom County Council
Whatcom County Planning
Whatcom County Auditor
City of Lynden
North Whatcom Fire District #21
Cemetery District #10