

**ORDINANCE NO. 1480**

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

WHEREAS, Compass Point Survey Group, Agent for Dalene Koetje, hereinafter called the "Proponent," submitted a complete application for the annexation of approximately 12.6 acres, as described in EXHIBIT A, into the City for future urban use as a stormwater facility; 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 25, 2014, and the legal notice of application and public hearing was published by the Lynden Tribune on October 8, 2014; 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 County's District 3 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 development rights of the subject parcel have been extinguished as required by Whatcom County, by a covenant recorded under Whatcom County Auditor's Office File No. 2150301407; 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 December 1, 2014, the City Council held a public hearing and determined that the property could be zoned RS-100, 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. 914); and

WHEREAS, on March 2, 2015, 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 NORTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., LESS ROADS EXCEPT ANY PORTION THEREOF LYING NORTH OF THE SOUTH LINE OF "THE RIDGE AT LYNDEN, PHASE 1" AS PER THE MAP THEREOF RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NUMBER 2071103285.

PORTION OF PARCEL # 400315-066061

CONTAINING 12.6 ACRES MORE OR LESS.

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 14-05.

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 \_\_\_\_\_ IN FAVOR, AND \_\_\_\_\_ AGAINST, AND SIGNED BY THE MAYOR THIS 16 DAY OF March 2015.

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MAYOR

ATTEST:

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MIKE MARTIN, City Clerk

APPROVED AS TO FORM:

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ROBERT CARMICHAEL, City Attorney