

**RESOLUTION NO. 975**  
**A RESOLUTION OF INTENT TO ADOPT THE PEPIN CREEK SUBAREA PLAN**  
**FOR THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON**

**WHEREAS**, on August 19, 2013, the City of Lynden ("City") adopted the April 2009 Amendment to the January 1992 Stormwater Management Plan identifying the "Pepin Creek" project ("Pepin Creek Project"); and

**WHEREAS**, the Pepin Creek Project includes the relocation and combination of surface water flows from Double Ditch and Benson Ditch between Badger Road and Main Street into one "new" watercourse known as Pepin Creek; and

**WHEREAS**, the City must now undertake numerous complex and detailed planning, funding, design, permitting, construction and other associated issues to complete the Pepin Creek Project ("Pepin Creek Project Issues"); and

**WHEREAS**, that area of the city believed to be affected by Pepin Creek Project Issues includes the area shown on Exhibit A ("Pepin Creek Sub Area"), which is incorporated herein; and

**WHEREAS**, further planning within the Pepin Creek Sub Area is needed on the following issues:

- corridor design and permitting for the Pepin Creek Project;
- locating and increasing stormwater capacity and coordinating the associated street and utility infrastructure locations;
- design and permitting options associated with necessary downstream bank stabilization associated with the Pepin Creek Project;
- identifying financing and equitable allocation of system construction and development costs;
- identifying necessary actions for environmental protection and remediation;
- establishing land use and zoning for the future development of this area;
- establishing a plan for the circulation of motor vehicles, pedestrians, and bicycles;
- identifying necessary infrastructure for the future development of this area; and

**WHEREAS**, the City of Lynden has prepared an Existing Conditions Report in Exhibit B that identifies the current characteristic and baseline conditions of the Pepin Creek Sub Area; and

**WHEREAS**, the City of Lynden has hosted a public workshop on July 13, 2017 to share information with, and receive input from, affected and interested parties; and

**WHEREAS**, the Lynden City Council and Lynden Planning Commission held a joint workshop on July 17, 2017 on the subject of the Pepin Creek Sub Area Plan; and

**WHEREAS**, to assure that Pepin Creek Project Issues are addressed consistent with the objectives of the Pepin Creek Project, and with the public health, safety, and welfare of the community, a moratorium on development in the Pepin Creek Project Area was established to allow for proper planning and implementation of the Pepin Creek Project on September 19, 2016 by Ordinance 1513 and extended through Ordinances 1514 and 1525; and

**WHEREAS**, a plan for the Pepin Creek Sub Area is needed to establish goals and policies for the future development of this area with regard to land use and zoning transportation, environmental protection and restoration, infrastructure development, and finance to ensure the orderly development of this area;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Lynden, Washington as follows:

**SECTION 1:** The City of Lynden has documented conditions and outreach in the Existing Conditions Report and Summer 2017 Public Outreach efforts per Exhibit B.

**Section 2:** The City of Lynden intends to adopt a plan for the Pepin Creek Subarea in 2018 addressing the design, permitting, financing, environmental, land use and infrastructure elements in the Resolution recitals.

**SECTION 3:** The City of Lynden adopts the schedule in Exhibit C for the completion of the Pepin Creek Subarea Plan.

**SECTION 4:** If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this code and each section, regardless of whether any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if for any reason this Resolution is declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

**SECTION 5:** This resolution shall be in full force and effect on October 16, 2017

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF 7 IN FAVOR  
AND 0 IN OPPOSITION, AND SIGNED BY THE MAYOR THIS 16<sup>TH</sup> DAY OF  
OCTOBER, 2017.



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY