

ORDINANCE NO. 1482

**AN ORDINANCE AMENDING ORDINANCE NO. 1447
TO REVISE EXHIBIT A TO REMOVE RESERVE TRACT A OF THE NORTH PRAIRIE
PLANNED RESIDENTIAL DEVELOPMENT AND ADD PROPERTIES WEST OF
NORTHWOOD ROAD TO THE LINE ROAD SUB-BASIN OF THE CITY OF LYNDEN SEWER
SYSTEM FOR ASSESSMENT OF THE ASSOCIATED EAST LYNDEN SEWER GENERAL
FACILITIES CHARGE**

The following recitals are entered as findings of the City Council in support of this Ordinance:

WHEREAS, the City Council previously adopted Ordinance No. 1247 on December 19, 2005 establishing an additional General Facilities Charge (“surcharge”) for property in East Lynden connecting to Line Road sewer line extension; and

WHEREAS, the East Lynden area subject to the above named ordinance was described and depicted in "Exhibit A" referred to as the East Lynden/Line Road Sub-Basin; and

WHEREAS, the City Council expanded the East Lynden/Line Road Sub-Basin to include portions the North Prairie Planned Residential Development (“North Prairie PRD”) based on an engineering analysis and staff review on August 5, 2013; and

WHEREAS, the City completed an independent review of the East Lynden/Line Road Sub Basin and the planned remaining growth expected to occur within said basin in a technical memo entitled “North Prairie Residential Development - Sewer Service (May 14, 2013)”. This memo is based on and expands on the analysis previously completed for said basin, the “East Lynden Sewer Implementation Project Report (Berryman & Henigar Consultants - 2005)”; and

WHEREAS, based on the foregoing review and analysis the City Council did on August 5, 2013 determine that the established surcharge for East Lynden/Line Road Sub-Basin was a fair and equitable sewer general facilities surcharge for property within and adjacent to the North Prairie PRD due to the planned connection of those properties to the Line Road sewer extension and amended Exhibit A to reflect the inclusion of that area; and

WHEREAS, said sewer general facilities surcharge is necessary to repay the debt incurred by the City in construction of the sewer infrastructure needed to serve the East Lynden/Line Road Sub-Basin and said surcharge places a fair and equitable share of the cost of such system on East Lynden/Line Road Sub-Basin benefiting property owners; and

WHEREAS, based on engineering analysis it has been determined that Reserve Tract A of the North Prairie PRD (Phase 3) can be more effectively served by construction of a developer extension of sewer to the south and that the properties to the east of the PRD abutting Northwood Road would be better served with the additional sewer capacity in the Line Road Sub-basin; and

WHEREAS, all of the foregoing recitals are findings and conclusions of the City Council and a material part of this Ordinance;

NOW THEREFORE, the City Council of the City of Lynden does ordain as follows:

Section A: Exhibit A referenced in Section 13.12.055 of the Lynden Municipal Code (“LMC”) is amended as shown in the attached “Exhibit A - Revised 2015” to remove Reserve Tract A of the North Prairie

Planned Residential Development and to include the lots to the east abutting Northwood Road. All other provisions of Section 13.12.055 continue to be applicable to the revised East Lynden/Line Road Sub-Basin as shown in Exhibit A - Revised 2015.

Section B. If any section, subsection, sentence, 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. The council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section C. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section D. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, 7 IN FAVOR 0
AGAINST, AND SIGNED BY THE MAYOR THIS 18th DAY OF MAY, 2015.

ATTEST:


CITY CLERK


MAYOR

APPROVED AS TO FORM:


CITY ATTORNEY