

Ordinance No. 826-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERSON, WASHINGTON, ANNEXING APPROXIMATELY 103 ACRES OF REAL PROPERTY, COMMONLY REFERRED TO AS THE “FLINT WEST EVERSON ANNEXATION,” TO SAID CITY PURSUANT TO PROPERTY OWNER PETITION, REQUIRING SAID PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN SAID CITY, AND ESTABLISHING CITY ZONING DESIGNATIONS CONSISTENT WITH THE FUTURE ZONING DESIGNATIONS SET FORTH IN THE CITY COMPREHENSIVE PLAN

WHEREAS, on December 20, 2018, the City of Everson, Washington (“City”), received a Notice of Intent to Commence Annexation addressing certain real property commonly referred to as the “Flint West Everson Annexation,” the legal description of which is set forth on Exhibit “A” attached hereto (hereafter the “Annexation Area”); and

WHEREAS, said Notice of Intent was signed by the property owners of not less than ten (10) percent of assessed valuation for general taxation purposes of the properties within the Annexation Area; and

WHEREAS, the Annexation Area includes approximately 103 acres of land located within the Northwest quarter of Section 1 and the Northeast quarter of Section 2, Township 39 North, Range 03 East of W.M. and within the Southwest quarter of Section 36 and the Southeast quarter of Section 35, Township 40 North, Range 03 East of W.M.; and

WHEREAS, on January 8, 2019, the Everson City Council accepted the Notice of Intent to Commence Annexation with no change to the proposed geographic area and authorized the circulation and submission of a Petition for Annexation signed by the owners of not less than sixty (60) percent of the valuation of the Annexation Area for general taxation purposes; and

WHEREAS, on February 1, 2021, the City received a Petition for Annexation pursuant to RCW 35A.14.120 et seq. signed by the property owners of not less than sixty (60) percent of assessed valuation for general taxation purposes of the properties within the Annexation Area; and

WHEREAS, the signed Petition included the statement that, upon annexation, the annexed properties would assume their share of general City indebtedness and be assigned zoning designations consistent with the future zoning designations set forth in the City’s comprehensive land use plan; and

WHEREAS, on February 10, 2021, the City of Everson provided public notice in the Lynden Tribune and to potentially affected and neighboring property owners as to the holding of a public hearing regarding the proposed annexation on February 23, 2021; and

WHEREAS, a public hearing regarding the Flint West Everson Annexation was held before the Everson City Council on February 23, 2021 where opportunity for public comment was provided and testimony was received; and

WHEREAS, on February 23, 2021, the Whatcom County Assessor signed a Certificate of Sufficiency pursuant to RCW 35A.01.040 with respect to the subject petition for annexation; and

WHEREAS, on March 9, 2021, the City Council having considered the merits of the proposed annexation petition adopted Resolution No. 568-21 resolving to annex the real property within the Annexation Area, referred to as the Flint West Everson Annexation, subject to approval of the action by the Whatcom County Boundary Review Board, and further subject to final action by ordinance of the City Council of the City of Everson, Washington; and

WHEREAS, the Annexation Area lies within the designated Urban Growth Area for the City, as established by ordinance of Whatcom County; and

WHEREAS, the City's complete annexation packet, referred to as a Notice of Intention, was submitted to the Whatcom County Boundary Review Board (BRB) on March 19, 2021 and received under BRB No. 2021-01; and

WHEREAS, following completion of the minimum 45-day review period, said annexation was deemed approved by the Boundary Review Board in a letter dated May 3, 2021; and

WHEREAS, on May 12, 2021 the City of Everson provided public notice in the Lynden Tribune and to potentially affected and neighboring property owners regarding the holding of a public hearing regarding the proposed annexation on May 25, 2021; and

WHEREAS, a duly advertised public hearing regarding the Flint West Everson Annexation was held before the Everson City Council on May 25, 2021 where opportunity for public comment was provided and testimony was received; and

WHEREAS, the Everson City Council has determined that, upon annexation, the City will require the assumption of existing general City indebtedness, if any, by the area to be annexed and will require the assignment of zoning designations consistent with the City comprehensive land use plan; and

WHEREAS, On June 22, 2021, the City Council adopted Ordinance No. 823-21 amending the future zoning map from the City's comprehensive plan and changing the future zoning map designation for an approximately 26-acre area located in the City's designated urban growth area and within the proposed Annexation Area from Commercial to Residential; and

WHEREAS, on July 13, 2021, prior to taking action on Ordinance No. 826-21, the City Council adopted Ordinance No. 825-21 rezoning a portion of a property owned by the LDS Church located within Everson City limits from Commercial to Residential; and

WHEREAS, the Everson Comprehensive Plan identifies the future zoning designations for the properties within the Annexation Area as being a combination of Residential, Commercial, Light Industrial and Recreational Open Space; and

WHEREAS, subject to the conditions set forth in this Ordinance, the Everson City Council has agreed to accept the annexation as presented in the property owner petition and as approved by the Whatcom County Boundary Review Board under BRB No. 2021-01;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EVERSON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The territory commonly referred to as the “Flint West Everson Annexation,” legally described on attached Exhibit “A” (the “Annexation Area”) and graphically represented on attached Exhibit “B”, is hereby annexed to and incorporated into the City of Everson.

Section 2. All of the Annexation Area was included as part of the properties addressed in the petition for annexation as filed, and should be and is hereby made a part of the City of Everson.

Section 3. Consistent with the terms of the Petition for Annexation, all property within the Annexation Area shall be assessed and taxed at the same rate and on the same basis as property within the City, including the assumption of proportional indebtedness and the assessment or taxes in payment of all or any outstanding indebtedness contracted, incurred prior to, or existing on the date of the annexation.

Section 4. The properties within the Annexation Area are hereby assigned zoning designations pursuant to Title 19 of the Everson Municipal Code consistent with the future zoning map designations established in the City of Everson Comprehensive Land-Use Plan adopted in June 2016 and as amended through adoption of Ordinance No. 823-21 on June 22, 2021, and shall be subject to the conditions of this ordinance.

Section 5. The zoning designations for the City of Everson, including for the properties within the Annexation Area, henceforth shall be as set forth on the Official Zoning Map dated July 13, 2021, attached hereto as Exhibit “C”. Said Official Zoning Map shall incorporate zoning changes resulting from adoption by the City Council of Ordinance No. 823-21 and Ordinance No. 825-21.

Section 6. Contemporaneous Updates. The City’s Comprehensive Plan, zoning maps and development regulations are hereby amended to conform to the annexation approved in this ordinance and the conditions set forth herein.

Section 7. Construction.

- (1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.
- (2) If provisions of this ordinance are found to be inconsistent with other provisions of the Everson Municipal Code, then this ordinance and the provisions herein are deemed to control.

Section 8. Effective Date. 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 posting for publication.

PASSED by the City Council and approved by the Mayor of the City of Everson, Washington, this 13th day of July, 2021.

CITY OF EVERSON, WASHINGTON

John S. Perry, Mayor

Attested/Authenticated

Melanie Dickinson, Clerk Treasurer

Approved as to Form:

Jonathan Sitkin, City Attorney

EXHIBIT “A”
LEGAL DESCRIPTION
CITY OF EVERSON
FLINT WEST EVERSON ANNEXATION

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF GOVERNMENT LOT 3 IN SECTION 1, TOWNSHIP 39 NORTH, RANGE 3 EAST OF W.M.; THENCE WEST ALONG THE SOUTH LINE OF SAID NORTH HALF A DISTANCE OF 1320 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID NORTH HALF, ALSO BEING THE NORTHEAST CORNER OF THE SOUTH HALF OF GOVERNMENT LOT 4 IN SAID SECTION 1; THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTH HALF A DISTANCE OF 660 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 4; THENCE WEST ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 4 A DISTANCE OF 1290 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF EVERSON GOSHEN ROAD (S.R. 544); THENCE SOUTH ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 370 FEET MORE OR LESS TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOTS A AND B OF THE CEDAR HOLLOW CLUSTER SHORT PLAT, AS PER THE MAP THEREOF, RECORDED UNDER WHATCOM COUNTY AUDITOR’S FILE No. 2018-0202470; THENCE WEST ALONG SAID EASTERLY EXTENSION AND THE SOUTH LINE OF SAID LOTS A AND B A DISTANCE OF 720 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE NORTH ALONG THE WEST LINE OF LOTS A AND C AND ITS NORTHERLY EXTENSION OF SAID CEDAR HOLLOW CLUSTER SHORT PLAT A DISTANCE OF 1720 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF VAN DYK ROAD – COUNTY ROAD No. 276; THENCE EASTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EVERSON GOSHEN ROAD (S.R. 544); THENCE NORTHEASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.; THENCE SOUTHWESTERLY TO THE NORTHEAST CORNER OF LOT 1 OF MICK’S SHORT PLAT, AS PER THE MAP THEREOF, RECORDED UNDER WHATCOM COUNTY AUDITOR’S FILE No. 2018-1202151, ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID EVERSON GOSHEN ROAD (SR544); THENCE SOUTHWEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 385 FEET MORE OR LESS TO THE WEST LINE OF LOTS 1 AND 3 OF SAID MICK’S SHORT PLAT; THENCE SOUTH ALONG THE WEST LINE OF SAID LOTS 1 AND 3 A DISTANCE OF 581 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 3 A DISTANCE OF 377 FEET MORE OR LESS TO THE EAST LINE OF SAID GOVERNMENT LOT 3 IN SECTION 1; THENCE SOUTH ALONG THE EAST LINE OF SAID GOVERNMENT LOT 3 A DISTANCE OF 585 FEET MORE OR LESS TO THE **POINT OF BEGINNING**.

ALL SITUATE IN WHATCOM COUNTY, WASHINGTON.

EXHIBIT "B"

[Replace this page with Exhibit Map prepared by Northwest Surveying and GPS, Inc.]

EXHIBIT "C"

[Replace this page with Official Zoning Map dated July 13, 2021]