

ORDINANCE NO. 741

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOOKSACK, WASHINGTON, ANNEXING CERTAIN PROPERTY, REFERRED TO AS THE SYTSMA ANNEXATION, INTO THE CITY OF NOOKSACK, WASHINGTON.

Whereas, on March 1, 2019 the City of Nooksack received a Notice of Intent to Commence Annexation from Alan and Kimberly Sytsma with respect to their properties and one other property proposed for annexation to the City of Nooksack; and

Whereas, said Notice of Intent to Commence Annexation was signed by owners of not less than ten percent of the properties proposed for annexation based on assessed valuation for general taxation purposes; and

Whereas, the area within the proposed annexation includes three parcels located to the northwest of the intersection of Tom Road and State Route 9 and comprises one hundred percent of the City's northern urban growth area as established by ordinance of the Whatcom County Council; and

Whereas, the area included in the annexation is more specifically described in Exhibit "A", attached hereto; and

Whereas, the area included in the annexation includes approximately 32.5 acres and is generally depicted in attached Exhibit "B"; and

Whereas, on April 15, 2019 the Nooksack City Council accepted the Notice of Intent to Commence Annexation with a required change to the geographic extent of the area proposed for annexation to include the full widths of the adjacent rights-of-way and authorized the circulation and submission of a formal petition for annexation; and

Whereas, the City Council motion accepting the Notice of Intent to Commence Annexation also established that the petition for annexation should state that the properties included in the proposed annexation area would, upon annexation, be assigned zoning designations consistent with the future zoning designations set forth in the City of Nooksack Comprehensive Land Use Plan; and

Whereas, the City Council motion accepting the Notice of Intent to Commence Annexation further established that the petition for annexation should state that the properties within the proposed annexation area would, upon annexation, assume their share of the general indebtedness of the City of Nooksack; and

Whereas, on December 2, 2022 the City received a properly completed petition for annexation pursuant to RCW 35A.14.120 et seq. addressing the area described in Exhibit "A" (the "Sytsma Annexation") and signed by the property owners of not less than sixty (60) percent of assessed valuation for general taxation purposes of the properties described in Exhibit "A"; and

Whereas, on December 27, 2022 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 January 4, 2023 the City of Nooksack provided public notice in the Lynden Tribune and through posting on the site as to the holding of a public hearing regarding the proposed annexation on January 17, 2023; and

Whereas, two comments were received by the City prior to the public hearing; and

Whereas, a duly advertised public hearing regarding the Sytsma Annexation was held before the Nooksack City Council on January 17, 2023 where opportunity for public comment was provided and testimony was received; and

Whereas, on February 6, 2023, the City Council adopted Resolution No. 322 resolving to annex the properties within the Sytsma Annexation, as legally described in Exhibit "A", 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 Nooksack; and

Whereas, the City Council has determined that the City will require the assumption of existing 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 May 12, 2023, the City submitted a Notice of Intention to the Whatcom County Boundary Review Board with respect to the proposed Sytsma Annexation; and

Whereas, on June 29, 2023, the Whatcom County Boundary Review Board approved the Sytsma Annexation under BRB file # 2023-01, subject to final action by the City; and

Whereas, on August 23, 2023, the City of Nooksack provided public notice in the Lynden Tribune and through posting on the site as to the holding of a public hearing regarding the proposed annexation on September 5, 2023; and

Whereas, on September 5, 2023, a comment letter raising concerns regarding the proposed annexation was received from Megan DeVries, 1214 Nooksack Avenue, Nooksack, WA 98276; and

Whereas, a public hearing regarding the proposed Sytsma Annexation was held before the Nooksack City Council on September 5, 2023 where opportunity for public comment was provided and testimony was received; and

Whereas, the City Council having considered the merits of the proposed annexation has determined that approval of the Sytsma Annexation is in the public interest;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NOOKSACK, WASHINGTON, DO HEREBY ORDAIN as follows:

SECTION 1. The property described in Exhibit "A", attached hereto, referred to as the Sytsma Annexation, and as generally depicted on attached Exhibit "B", is hereby annexed into the City of Nooksack, Washington.

SECTION 2. Upon the effective date of this Ordinance, the properties thus annexed shall be assigned zoning designations consistent with the designations shown on the Future Zoning map from the City of Nooksack Comprehensive Land Use Plan adopted in June 2016. These designations include Light Industrial and Residential and are more specifically shown on the duly revised City of Nooksack Official Zoning Map dated September 5, 2023 and attached hereto as Exhibit "C".

SECTION 3. Upon the effective date of this Ordinance, the properties thus annexed shall be assessed and taxed at the same rate and on the same basis as property within the City, including 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. 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 effect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, separately and independently and, in the event that any one or more sections, subsections, sentences, clauses or phrases may later be declared invalid or unconstitutional, then any ordinance or ordinances, or parts thereof, amended or repealed by such portion of this Ordinance shall remain in full force and effect.

SECTION 5. This Ordinance shall take effect and be in force from after its passage by the City Council and approval by the Mayor, if approved, or otherwise as provided for by law and five (5) days after publication.

Passed by a majority of the whole membership of the City Council of the City of Nooksack, Washington, and Signed and Approved by its Mayor, at a regular meeting of said Council held this 5th day of September, 2023.

ATTESTED/AUTHENTICATED:

By:


VIRGINIA ARNASON, Clerk-Treasurer
City of Nooksack, Washington

APPROVED AS TO FORM:


ROBERTY CARMICHAEL, City Attorney

APPROVED:



KEVIN HESTER, Mayor
City of Nooksack, Washington

EXHIBIT A

LEGAL DESCRIPTION SYTSMA ANNEXATION

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20 AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 04 EAST OF W.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE PROPERTY IDENTIFIED UNDER WHATCOM COUNTY ASSESSOR PARCEL NUMBER 400420 191097 000; THENCE SOUTH ALONG THE WEST LINE OF SAID PARCEL A DISTANCE OF 763 AND ONE-QUARTER FEET TO THE SOUTHWEST CORNER OF SAID PARCEL, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE PROPERTY IDENTIFIED UNDER WHATCOM COUNTY ASSESSOR PARCEL NUMBER 400420 161024 0000; THENCE CONTINUING SOUTH ALONG THE WEST LINE OF SAID PARCEL A DISTANCE OF 496 FEET MORE OR LESS TO THE INTERSECTION WITH THE NORTH MARGIN OF THE TOM ROAD RIGHT-OF-WAY, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID PARCEL; THENCE EAST ALONG SAID NORTH MARGIN OF THE TOM ROAD RIGHT-OF-WAY AND THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 591 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE PROPERTY IDENTIFIED UNDER WHATCOM COUNTY ASSESSOR PARCEL NUMBER 400420 211024 0000; THENCE CONTINUING EAST ALONG SAID NORTH MARGIN OF THE TOM ROAD RIGHT-OF-WAY AND THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 370 FEET MORE OR LESS TO THE INTERSECTION WITH THE WEST MARGIN OF THE STATE ROUTE 9 RIGHT-OF-WAY, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID PARCEL; THENCE NORTH ALONG THE WEST MARGIN OF THE STATE ROUTE 9 RIGHT-OF-WAY AND THE EAST LINE OF SAID PARCEL A DISTANCE OF 496 FEET MORE OF LESS TO THE NORTHEAST CORNER OF SAID PARCEL, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE PROPERTY IDENTIFIED UNDER WHATCOM COUNTY ASSESSOR PARCEL NUMBER 400420 191097 0000; THENCE CONTINUING NORTH ALONG THE WEST MARGIN OF THE STATE ROUTE 9 RIGHT-OF-WAY AND THE EAST LINE OF SAID PARCEL A DISTANCE OF 763 AND ONE-QUARTER FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE WEST ALONG THE NORTH LINE OF SAID PARCEL TO THE POINT OF BEGINNING.

TOGETHER WITH THE FULL WIDTHS OF THE ABUTTING PORTIONS OF THE TOM ROAD AND STATE ROUTE 9 RIGHTS-OF-WAY, INCLUDING THE FULL EXTENT OF THE INTERSECTION OF SAID RIGHTS-OF-WAY.

ALL SITUATE IN WHATCOM COUNTY, WASHINGTON.

Map of Property



EXHIBIT C. OFFICIAL ZONING MAP

