

Ordinance No. 852-24

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERSON,
WASHINGTON, ANNEXING APPROXIMATELY 47 ACRES OF REAL
PROPERTY, COMMONLY REFERRED TO AS THE “DEHOOG 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 8, 2022, the City of Everson, Washington (“City”), received a Notice of Intent to Commence Annexation addressing certain real property commonly referred to as the “DeHoog West Everson Annexation,” 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, on January 10, 2023, the Everson City Council considered the Notice of Intent to Commence Annexation and directed the proponent to submit additional information and mapping regarding a potential change to the geographic extent of the proposed annexation to exclude those portions of the area unsuitable for urban development; and

WHEREAS, on June 13, 2023, the City Council considered a revised map of the proposed annexation area and accepted the Notice of Intent to Commence Annexation with a change to the geographic extent to exclude those portions of the area unsuitable for urban development due to their location within the 100-year floodplain of the Nooksack River and authorized the submittal of a petition for annexation of the revised area, the legal description of which is set forth on Exhibit “A” attached hereto (hereafter the “Annexation Area”); and

WHEREAS, on July 5, 2023, 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 Annexation Area includes approximately 47.57 acres of land located within the Southwest quarter of Section 36, Township 40 North, Range 03 East of W.M. within Whatcom County

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 August 7, 2023, 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 August 30, 2023, 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 September 12, 2023; and

WHEREAS, a public hearing regarding the DeHoog West Everson Annexation was held before the Everson City Council on September 12, 2023 where opportunity for public comment was provided and testimony was received; and

WHEREAS, on September 12, 2023, the City Council having considered the merits of the proposed annexation petition and adopted Resolution No. 568-23 resolving to annex the real property within the Annexation Area, referred to as the DeHoog 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, on September 26, 2023, the City Council adopted Ordinance No. 847-23 as part of the 2022 docket and changed the future zoning designation for the annexation area from Residential to Residential-7500; 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 November 17, 2023 and received under BRB No. 2023-03; 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 January 2, 2024; and

WHEREAS, on January 31, 2024, the City 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 February 13, 2024; and

WHEREAS, a duly advertised public hearing regarding the DeHoog West Everson Annexation was held before the Everson City Council on February 13, 2024 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, the Everson Comprehensive Plan identifies the future zoning designations for the properties within the Annexation Area as Residential-7500.

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. 2023-03;

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

Section 1. The territory commonly referred to as the “DeHoog 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, 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 February 13, 2024 attached hereto as Exhibit “C”.

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 February 2024.

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
DEHOOG WEST EVERSON ANNEXATION

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., SAID PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 02° 02' 01" WEST ALONG THE EAST LINE OF SAID QUARTER QUARTER A DISTANCE OF 566.72 FEET TO THE NORTH RIGHT-OF- LINE OF EVERSON GOSHEN ROAD (S.R. 544); THENCE SOUTH 71° 15' 29" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 1430.02 FEET TO THE WEST LINE OF SAID QUARTER QUARTER; THENCE NORTH 02° 07' 44" EAST ALONG THE WEST LINES OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 1816.91 FEET TO THE SOUTH LINE OF THE NORTH 587.45 FEET OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 87° 00' 15" EAST ALONG SAID SOUTH LINE A DISTANCE OF 1334.21 FEET TO THE EAST LINE OF SAID QUARTER QUARTER; THENCE SOUTH 02° 02' 01" WEST ALONG SAID EAST LINE A DISTANCE OF 720.55 FEET TO THE **POINT OF BEGINNING**

CONTAINING 46.58 ACRES MORE OR LESS

ALL SITUATE IN WHATCOM COUNTY, WASHINGTON.