

Ordinance No. 699-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERSON, WASHINGTON, ANNEXING APPROXIMATELY 9.83 ACRES OF REAL PROPERTY, COMMONLY KNOWN AS THE “SKILLMAN EAST 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 RESIDENTIAL ZONING FOR SAID PROPERTY CONSISTENT WITH THE COMPREHENSIVE PLAN

WHEREAS, on August 7, 2009, the City of Everson, Washington (“City”), received a Petition for Annexation of certain real property commonly referred to as the Skillman East Everson Annexation, the legal description of which is set forth on Exhibit “A” attached hereto (“Annexation Area”); and

WHEREAS, said petition was 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, on August 12, 2009, the City of Everson provided public notice to neighboring property owners and in the Lynden Tribune as to the holding of a public hearing regarding the proposed annexation on August 25, 2009; and

WHEREAS, on August 14, 2009, 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, a public hearing regarding the Skillman East Everson Annexation was held before the Everson City Council on August 25, 2009 where opportunity for public comment was provided and testimony was received; and

WHEREAS, the City Council having considered the merits of the proposed annexation petition adopted Resolution No. 488-09 resolving to annex the real property within the Annexation Area, referred to as the Skillman East Everson Annexation, subject to approval of the action by the Whatcom County Boundary Review Board and amendment of the Interlocal Agreement between the City of Everson and Whatcom County, and further subject to final action through adoption of an ordinance by the City Council of the City of Everson, Washington; and

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

WHEREAS, said proposed annexation was submitted to the Whatcom County Boundary Review Board and was deemed approved by the Board in a letter dated November 3, 2009; and

WHEREAS, an amendment to the “Interlocal Agreement Between the City of Everson and Whatcom County Concerning Annexation” was approved by Whatcom County and the City on November 10, 2009; and

WHEREAS, Whatcom County Ordinance No. 2007-049 established that inclusion of the western 154 feet of the annexation area in the Everson urban growth area would be considered “provisional” until certain amendments were made to the Interlocal Agreement between the City of Everson and Whatcom County Concerning Annexations; and

WHEREAS, the amendment of the Interlocal Agreement completed in November 2009 incorporated all required amendments established through Ordinance No. 2007-049; and

WHEREAS, said amendments included the identification of certain use limitations and buffer requirements from County-designated agricultural lands; and

WHEREAS, to be fully enforceable under local land use regulations the use limitations and buffer requirements incorporated into the Interlocal Agreement must be adopted by ordinance of the City Council of the City of Everson, and the Everson City Council has agreed to adopt said requirements by ordinance; and

WHEREAS, the Everson 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 consistent with the City comprehensive land use plan; and

WHEREAS, the Everson Comprehensive Plan identifies the future zoning designation for the proposed annexation area as being Residential; and

WHEREAS, on October 28, 2009 the City of Everson provided public notice in the Lynden Tribune regarding the holding of a public hearing regarding the proposed annexation on November 10, 2009; and

WHEREAS, a public hearing regarding the Skillman East Everson Annexation was held before the Everson City Council on November 10, 2009 where opportunity for public comment was provided and testimony was received; and

WHEREAS, subject to the conditions and limitations on development set forth in this Ordinance, the Everson City Council has agreed to accept the annexation as petitioned for;

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

Section 1. The territory commonly known as the “Skillman East Everson Annexation,” legally described on Exhibit “A” (“Annexation Area”), is hereby annexed to and incorporated into the City of Everson.

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

Section 3. Pursuant to 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 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 Annexation Area shall be classified in the Residential Zone pursuant to the Everson Municipal Code, in conformance with the City of Everson Comprehensive Land-Use Plan, and shall be subject to the conditions of this ordinance.

Section 5. Limitation on Development. The uses allowed in the western 154.00 feet of the Annexation Area shall be limited to road, utility and stormwater facility purposes and limited residential development. Within the western 154 feet of said Annexation Area, a minimum 100-foot buffer shall be maintained between County-designated agricultural lands and any proposed residence or mobile home. Notification regarding the above-described use limitations and buffer requirements shall be included on the face of the final plat recorded with the Whatcom County Auditor's office in conjunction with approval by the City of Everson of any subdivision of the above-described area.

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 of development 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. This Ordinance shall take effect five days following the date of its publication.

PASSED by the City Council and approved by the Mayor of the City of Everson, Washington, this _____ day of _____, 2009.

CITY OF EVERSON, WASHINGTON

Jaleen Pratt, Mayor

Attested/Authenticated

Debra Davidsen, Clerk Treasurer/City Administrator

Approved as to Form:

Jonathan Sitkin, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
CITY OF EVERSON
SKILLMAN EAST EVESON ANNEXATION

THE EAST 154.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 4 EAST OF W.M., WHATCOM COUNTY, WASHINGTON,

EXCEPT THE NORTH 400 FEET THEREOF;

TOGETHER WITH:

THAT PORTION OF LOT 2 OF THE "J-D SHORT PLAT", CITY OF EVERSON, WHATCOM COUNTY, WASHINGTON AS PER THE MAP THEREOF, RECORDED UNDER AUDITOR'S FILE NUMBER 910814065 OF SAID COUNTY AND STATE, LYING SOUTH AND WEST OF THE EXISTING CITY LIMITS OF THE CITY OF EVERSON, WASHINGTON AS PER CITY ORDINANCE NO. 26.

SITUATE IN WHATCOM COUNTY, WASHINGTON