

ORDINANCE # 1619

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AN ORDINANCE ANNEXING APPROXIMATELY 144 ACRES OF PROPERTY AND ASSOCIATED RIGHT OF WAYS, LOCATED WITHIN THE FERNDALE URBAN GROWTH AREA (UGA) ON THE EAST AND WEST SIDES OF INTERSTATE FIVE, AND ON BOTH THE NORTH AND SOUTH SIDES OF GRANDVIEW ROAD

WHEREAS, on May 4, 2009, the Ferndale City Council accepted a Notice of Intent to initiate annexation proceedings from various involved property owners who are the owners of parcels consisting of forty-five gross acres of property proposed for annexation.

WHEREAS, at that May 4, 2009, meeting, the Ferndale City Council determined that an initial petition would be accepted; that the City would require the annexed property to assume its pro rata share of the existing city indebtedness; and that simultaneous adoption of zoning regulations would be required; and

WHEREAS, the Ferndale Planning Commission reviewed a Petition to Annex at a public hearing during their regular meeting of June 9, 2010 and on June 30, 2010 voted to recommend approval by the City Council, with a zoning designation of Regional Retail for the entire annexation area, to take effect upon annexation of the area; and

WHEREAS, the proposed annexation area is located within the Urban Growth Area as identified in the City's Comprehensive Plan; and the Short Term Planning Area as identified in the Whatcom County Comprehensive Plan; and

WHEREAS, the City Council voted to approve the proposed annexation at a public hearing during their regular meeting of August 16, 2010, after extending the public hearing from the regular July 6, 2010 meeting. The Council also approved a Regional Retail zoning designation for the entire annexation area, to take effect upon annexation of the area; and

WHEREAS, the City of Ferndale and Whatcom County Public Utilities District 1 have entered into an agreement to gradually transfer service provider responsibility from the PUD to the City; and

WHEREAS, the mandatory Boundary Review Board forty-five day review was initiated on September 7, 2010 and Whatcom County invoked jurisdiction in November 2010; and

WHEREAS, the City of Ferndale and Whatcom County have approved an interlocal agreement requiring an Environmental Impact Statement for development within the Grandview area; and

WHEREAS, Whatcom County has withdrawn its challenge to the Grandview Annexation upon the signing of the interlocal agreement; and

WHEREAS, the City shall accept responsibility for the maintenance and repair of Portal Way and other public streets in the area, with the exception of Grandview Road – a State Highway;

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

**Section 1:** The zoning designation for these properties shall be RR, Regional Retail.

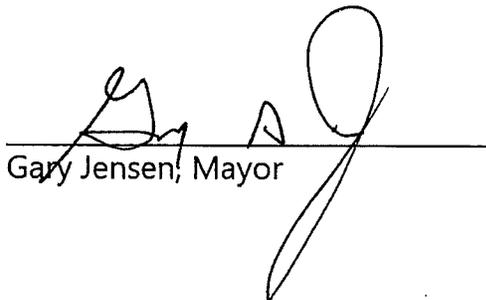
**Section 2:** The annexed property shall assume its pro rata share of existing city indebtedness.

**Section 3:** The Ferndale City Council hereby annexes that property described and illustrated in Attachments A and B.

**Section 4:** This ordinance shall become effective on the July 1, 2011, or the sixth day after publication, whichever is later, as set forth by state law, contingent on the release of Boundary Review Board jurisdiction.

**Section 5:** This ordinance shall replace Ferndale Ordinance 1616 in its entirety.

Approved by City Council and signed by the Mayor this 20th day of December, 2010.

  
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Gary Jensen, Mayor

ATTEST:

Sylvia R. Stiles  
Sylvia Stiles, Deputy City Clerk

12/22/10  
Publication Date



## ATTACHMENT B

### LEGAL DESCRIPTION

Those portions of Sections 5, 6, 7 and 8, all in Township 39 North, Range 2 East of W.M., Whatcom County, Washington, described as follows:

That portion of the Southwest Quarter of the Southwest Quarter of said Section 5 described as follows:

Beginning at the Southwest corner of said Section 5; thence East, along the South line thereof, a distance of 96 rods; thence North 50 rods; thence West 96 rods to the West line of said subdivision; thence South, along said West line, a distance of 50 rods to the Point of Beginning.

EXCEPT the East 5 acres thereof.

ALSO the South 5 acres of the West 10 acres of the following described tract:  
Commencing 50 rods North of the Southwest corner of the Southwest Quarter of said Section 5; thence East 160 rods; thence North 50 rods; thence West 160 rods; thence South 50 rods to the Point of Beginning.

ALSO Tracts 15 and 16 of "I-5 Industrial Park Specific Binding Site Plan #5," as filed under Auditor's File No. 2060502805, records of Whatcom County, Washington.

ALSO all of "Banner Business Park General Binding Site Plan," as filed under Auditor's File No. 2000502388, records of Whatcom County, Washington. Together with all of the right-of-way for Proctor Road, Portal Way, Grandview Road and Interstate Highway No. 5 abutting.

ALSO that portion of the Northwest Quarter of the Northeast Quarter of said Section 7 lying Northeasterly of Portal Way.

ALSO that portion of the Northeast Quarter of the Northeast Quarter of said Section 7 lying Northeasterly of Portal Way.

ALSO that portion of the Southeast Quarter of the Northeast Quarter of said Section 7 lying Northeasterly of Portal Way.

ALSO that portion of the West Half of the Northwest Quarter of said Section 8 lying Northeasterly of Portal Way.

EXCEPT that portion of the Southwest Quarter of the Northwest Quarter of said Section 8 lying Northeasterly of said Interstate Highway No. 5.



ALSO that portion of the North Half of the Southwest Quarter of said Section 8 lying Northeasterly of Portal Way and lying Westerly of Interstate Highway No. 5.

Together with all of the right-of-way for Proctor Road, Portal Way, Grandview Road, Brown Road and Interstate Highway No. 5 abutting all of the parcels described above.

ALSO together with all of the right-of-way for Interstate Highway No. 5 within the Southeast Quarter of the Northwest Quarter and in the Northeast Quarter of the Southwest Quarter of said Section 8, Township 39 East, Range 2 East, lying North of Portal Way.

