

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Public Engineering	ERH	9/97	<b>RECEIVED</b>  SEP 17 1997  WHATCOM COUNTY COUNCIL	9/23/97	Introduction
Division Head:				10/07/97	Council/Hearing
Dept. Head:	Jm	9/12/97			
Prosecutor:	ERH	9/2/97			
Purchasing/Budget:					
Executive:	PK	9-16-97			

**SUBJECT:** Ordinance authorizing a charge to provide revenue for Flood Control Zone District Sub-Zones

- ATTACHMENTS:**
1. Cover letter
  2. Ordinance
  3. Legal Descriptions and maps

**SUMMARY STATEMENT:** *Please complete sections of box as appropriate & explain the item below.*

Related County contract #:	Should Clerk schedule a hearing? NO / / YES /x / Requested date: October 7, 1997
Amount budgeted for this item/project:	Is it (or will it be) within budget? YES /x / NO / / (Please explain below)
Budget line item number(s):	

**SUMMARY:** Parts of the Whatcom County Flood Control Zone District has been divided into separately designated sub-zones, to wit: the Lynden/Everson sub-zone, the Sumas/Nooksack/Everson sub-zone and the Acme/VanZandt sub-zone and the Flood Control Zone District Advisory Committee has officially recommended that a service charge be authorized to provide revenue for the operation of said sub-zones. This Ordinance authorizes a service charge be levied on each real estate parcel with an assessed valuation of more than \$2,500.00 in each sub-zone, provided that revenue from said charge shall be administered in accordance with the provisions of RCW 86.15 and in compliance with RCW 36.89.080 and further provided, this charge will be levied only for the 1998 budget of said sub-zones and hereafter each sub-zone's assessment of charges will be determined separately by the administrators of said sub-zones, taking into consideration the needs for an recommendations from each sub-zone.

**ORIGINATOR'S RECOMMENDED ACTION:** Recommend approval

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

1997 - 332 9/23/97: Introduced  
 10/7/97: Public Hearing. Amended & adopted 7 - 0. Ord. #97-054

**Related File Numbers:** 97-297, 97-312A, 97-313A, 97-314A

**Ordinance or Resolution Number (this item only):**

Ord # 97-054

1 SPONSORED BY: Public Works, Engineering

2  
3 PROPOSED BY: Edwin R. Henken

4  
5 INTRODUCTION DATE: 9/23/97

1 ORDINANCE NO. 97-054

2 AUTHORIZING A CHARGE TO PROVIDE REVENUE FOR  
3 FLOOD CONTROL ZONE DISTRICT SUB-ZONES

4 WHEREAS, RCW 86.15.160 (4) authorizes a charge, under RCW 36.89.080 for the  
5 furnishing of service to those who are receiving or will receive benefits from storm water control  
6 facilities and who are contributing to an increase in surface water runoff and;

7 WHEREAS, in accordance with RCW 86.15.025 parts of the Whatcom County Flood  
8 Control Zone District have been divided into separately designated sub-zones to wit: the  
9 Lynden/Everson sub-zone, the Sumas/Nooksack/Everson sub-zone and the Acme/VanZandt sub-  
10 zone and;

11 WHEREAS, Whatcom County has established a revenue sharing program entitled the  
12 "70:30" Program where 70% of the County's share of flood management costs are provided  
13 by the County and 30% of such costs would be provided by the property owners in established  
14 Flood Control Zone District Sub-Zones and

15 WHEREAS, the Flood Control Zone District Advisory Committee has officially  
16 recommended that a service charge be authorized to provide revenue for the operation of said  
17 sub-zones and;

18 WHEREAS, any charge authorized must be submitted to the Whatcom County Treasurer  
19 on or before October 10, 1997 in order to provide revenue for the 1998 budgets of said sub-  
20 zones and;

21 WHEREAS, maps and legal descriptions of said sub-zones are attached to this Ordinance  
22 as Exhibit "A" (Lynden/Everson), Exhibit "B" (Sumas/Nooksack/Everson) and Exhibit "C"  
23 (Acme/VanZandt).

24 NOW, THEREFORE BE IT ORDAINED, a service charge of \$25.00 is hereby levied  
25 on each real estate parcel with an assessed valuation more than \$2,500.00 in each sub-zone,  
26 provided that revenue from said charge shall be administered in accordance with the provisions  
27 of RCW 86.15 and in compliance with RCW 36.89.080.

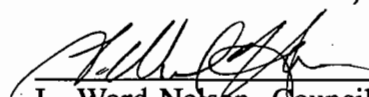
28 And further provided, this charge will be levied only for the 1998 budget of said sub-  
29 zones and, further provided, hereafter each sub-zone's assessment of charges will be determined  
30 separately by the administrators of said sub-zones.

1 ADOPTED this 7 day of October, 1997.

2  
3 ATTEST:


4   
5 \_\_\_\_\_  
6 Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
\_\_\_\_\_ L. Ward Nelson, Council Chair

7 APPROVED AS TO FORM:

Approved  Denied

8   
9 \_\_\_\_\_  
Civil Deputy Prosecutor

  
\_\_\_\_\_ Pete Kremen, Executive

10 Date: 10-21-97

**EXHIBIT A**

**LEGAL DESCRIPTION AND MAP OF  
LYNDEN/EVERSON FLOOD CONTROL SUB-ZONE**

LYNDEN/EVERSON FLOOD CONTROL SUBZONE  
LEGAL DESCRIPTION

A subzone district comprised of all or portions of sections 10, 11, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of Township 40 North, Range 3 East of W.M.

AND all or part of sections 30 and 31 of Township 40 North, Range 4 East of W.M.

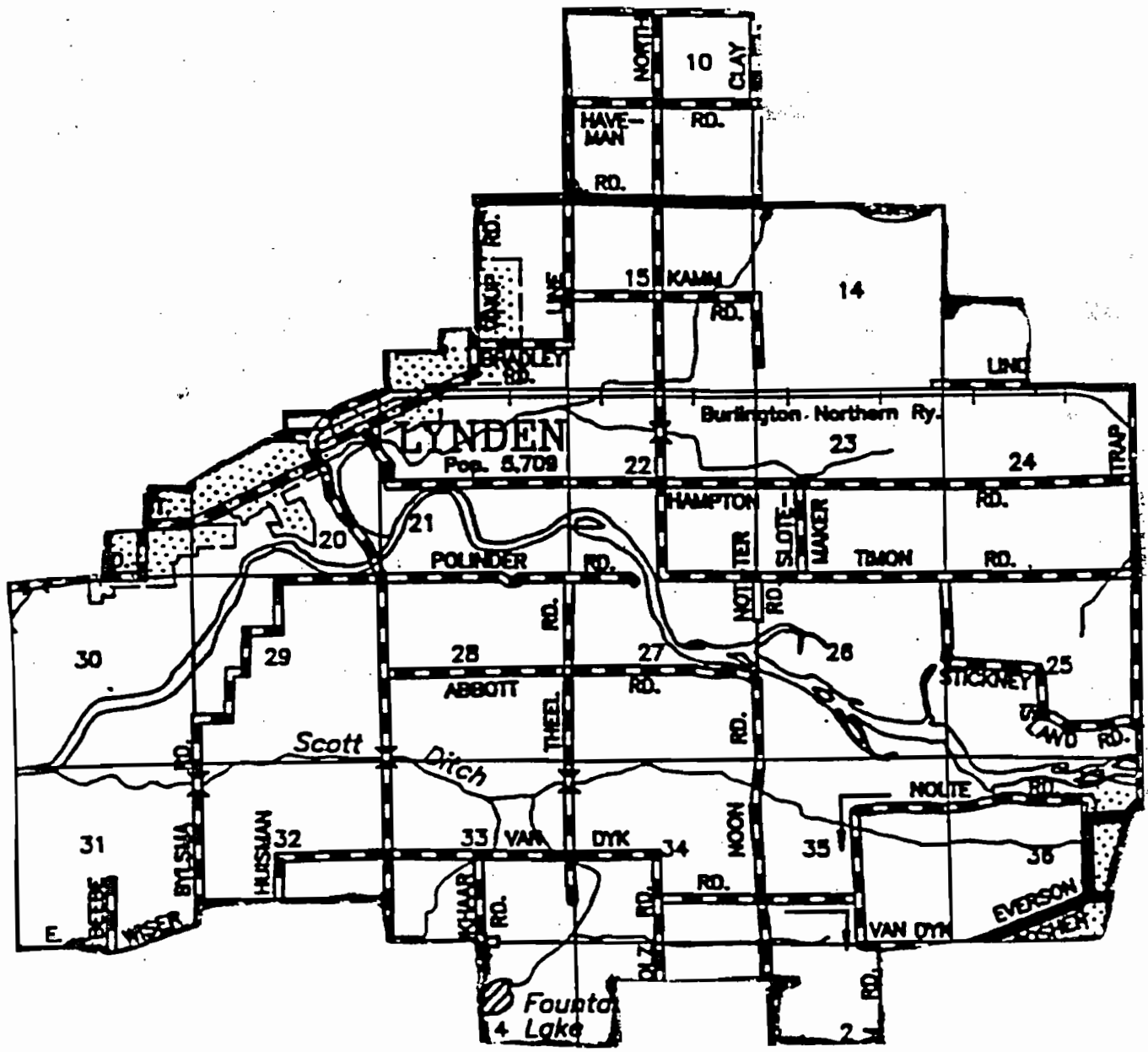
AND all or part of sections 2, 3 and 4 of Township 39 North, Range 3 East of W.M.

The perimeter of said district is more particularly described as follows:

commencing at the intersection of SR 539 and the North line of Keiths Short Plat projected, as recorded in Vol 8, Page 3 of Short Plats, and being the true point of beginning; thence North, 1 3/4 miles, to the Southwest corner of section 19, T40N, R3E; thence East, 3300 feet, along Kok Road, to the West line of Mountain View Addition to Lynden, projected; thence North 1400 feet, more or less, to Front Street; thence Easterly along Front Street, 700 feet, more or less, to 17th Street; thence North along 17th Street, 400 feet, to Grover Street; thence East, along Grover Street, 1000 feet, to 14th Street; thence North, along 14th Street, 400 feet, to Liberty Street; thence East on Liberty Street, 350 feet, more or less, to the West line of section 20, T40N, R3E; thence Northeasterly, along Liberty Street, 3800 feet, more or less, to West Main Street; thence East, along West Main, 200 feet, to 1st Street; thence North on 1st Street, 350 feet, to West Pine Street; thence East and Northeasterly along West Pine, 2000 feet, to the East line of section 20, T40N, R3E; thence North, 1450 feet, to the South line of Birch Street; thence East, along said South line, 1/4 mile, to the East line of the Southwest quarter of the Southwest Quarter of section 16, T40N, R3E; thence North, along said East line, 250 feet, to the Northeast corner of said Southwest quarter of the Southwest quarter; thence East, 1/4 mile, to the North-South centerline of section 16, T40N, R3E; thence North, 3/4 of a mile, to the North quarter corner of said section 16; thence East, 1/2 mile, to the Southwest corner of section 10, T40N, R3E; thence North, one mile, to the Northwest corner of said section 10; thence East, one mile, to the Northeast corner of said section 10; thence South, 1/2 mile, to the East quarter corner of said section 10; thence East, 1/2 mile, to the center of section 11, T40N, R3E; thence South, 1/2 mile, to the South quarter corner of said section 11; thence East, 1/2 mile, to the Southeast corner of said section 11; thence South, 1/2 mile, to the West quarter corner of section 13, T40N, R3E; thence East, one-half mile, to the center of said section 13; thence South, one-half mile, to the South quarter corner of said section 13; thence East, 1/2 mile, to the Southeast corner of said section 13; thence South, one mile, to the Southeast corner of section 24, T40N, R3E; thence East, 1700 feet, to the abandoned Burlington Northern Railroad right of way; thence southerly along said right of way, 2 1/2 miles, to the North line of section 1, T39N, R3E; thence West, 1 1/4 miles, to the Mecklam Road; thence South, 1/2 mile, to the East-West centerline of section 2, T39N, R3E; thence West, 5/8 mile, to the East quarter corner of section 3, T39N, R3E; thence North, 1/4 mile, to the Northeast corner of the Southeast quarter of the Northeast quarter of said section 3; thence West, 3/4 mile, to the Northeast corner of the Southwest quarter of the Northwest quarter of section 3; thence South, 1/4 mile, to the Southeast corner of said quarter quarter; thence West, 3/4 miles, to the center of section 4, T39N, R3E; thence North, 1/2 mile, to the North quarter corner of said

section 4; thence West , 1/2 mile, to the Northwest corner of said section 4; thence North, 1/4 mile, to the East Wiser Lake Road; thence West, one mile, to the Bylsma Road; thence West, 3/4 of a mile to the Southwest corner of Lot 1, BJV Short Plat; thence North, along the West line of said short plat, 200 feet, to the Northeast corner of Lot 'C', K.B. Short Plat; thence West, 1/4 mile, to the true point of beginning.

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LYNDEN/EVERSON FLOOD CONTROL SUB-ZONE

**EXHIBIT B**

**LEGAL DESCRIPTION AND MAP OF  
SUMAS/NOOKSACK/EVERSON FLOOD CONTROL SUB-ZONE**

SUMAS, NOOKSACK, EVERSON SUBZONE  
LEGAL DESCRIPTION

A subzone district comprised of all or part of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 21 and 32 of Township 39 North, Range 4 East of W.M.

AND all or part of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of Township 40 North, Range 4 East of W.M.

AND all or part of sections 31, 32, 33, 34, 35 and 36 of Township 41 North, Range 4 East of W.M.

AND all or part of sections 1, 2, 11, 12 and 13 of Township 40 North, Range 3 East of W.M.

AND all or part of sections 35 and 36 of Township 41 North, Range 3 East of W.M.

AND all or part of sections 19, 30 and 31 of Township 40 North, Range 5 East of W.M.

AND all or part of sections 6 and 7 of Township 39 North, Range 4 East of W.M.

AND all or part of section 1, Township 39 North, Range 3 East of W.M.

AND section 36, Township 40 North, Range 3 East of W.M. the perimeter of said district more particularly described as follows:

commencing at the intersection of Mission Road and SR 542 at the Southwest corner of section 6, T39N, R4E and being the true point of beginning; thence North along the range line, 6 1/2 miles, to intersect the abandoned Burlington Northern Railroad right of way; thence Northerly, on a curve to the right, along said right of way, to the East line of section 36, T40N, R3E; thence continuing North, along the range line, 2 1/4 miles, to the Southeast corner of section 13, T40N, R3E; thence west, 1/2 mile, to the South quarter corner of said section 13; thence North, 1/2 mile, to the center of said section 13; thence West, 1/2 mile, to the West quarter corner of said section 13; thence North, 1/2 mile, to the Southeast corner of section 11, T40N, R3E; thence West, 1/2 mile, to the South quarter corner of said section 11; thence North, 1/2 mile, to the center of said section 11; thence West, 1/2 mile to the West quarter corner of said section 11; thence North, along section lines, 2 1/8 miles, to the Northwest corner of fractional section 35, T41N, R3E, and the international boundary; thence East, 7 3/8 miles, along said boundary, to the right or Easterly bank of the Sumas River; thence Southerly 1 1/4 miles, to the South line of fractional section 36, T41N, R4E; thence West, 3/8 mile, to the Northwest corner of section 1, T40N, R4E; thence South, along section lines, 3 miles, to the Southwest corner of section 13, T40N, R4E; thence East, 1 mile, to the Southeast corner of said section 13; thence North, 200 feet, more or less, to the Southwest corner of section 18, T40N, R5E; thence East, one mile, to the Northeast corner of section 19, T40N, R5E; thence South, 1 mile, to the Southeast corner of said section 19; thence West, 1/2 mile, to the South quarter corner of said section 19; thence South, 1 1/2 miles, to the center of section 31, T40N, R5E; thence West, 1/2 mile, to the West

quarter corner of said section 31; thence South, 1 1/4 miles, to the Northeast corner of the Southeast quarter of the Southeast quarter of section 1, T39N, R4E; thence West, 1/2 mile, to the Northeast corner of the Southeast quarter of the Southwest quarter of said section 1; thence South, 1/4 mile, to the South quarter corner of said section 1; thence West, 1/2 mile, to the Southwest corner of said section 1; thence South, 2 miles, to the Northeast corner of section 23, T40N, R4E; thence West, 1 mile, to the Northwest corner of said section 23; thence South, 1/2 mile to the West quarter corner of said section 23; thence West, one mile, more or less, to the existing Burlington Northern Railroad; thence Northwesterly along said railroad, 1/4 mile, to intersect the North line of the South half of the Northeast quarter of section 21, T39N, R4E; thence West, 1/4 mile, to the Easterly or right bank of the Nooksack River; thence southerly, along said right bank, one mile, more or less, to SR 542; thence Southwesterly along said SR 542, 3 miles, to the South line of section 6, T38N, R4E; thence West, 1/4 mile to the Southwest corner of said section 6 and the true point of beginning.



**EXHIBIT C**

**LEGAL DESCRIPTION AND MAP OF  
ACME/VANZANDT FLOOD CONTROL SUB-ZONE**

ACME/VAN ZANDT FLOOD CONTROL SUBZONE  
LEGAL DESCRIPTION

A subzone district comprised of all or part of sections 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34 and 35 of Township 38 North, Range 5 East of W.M.

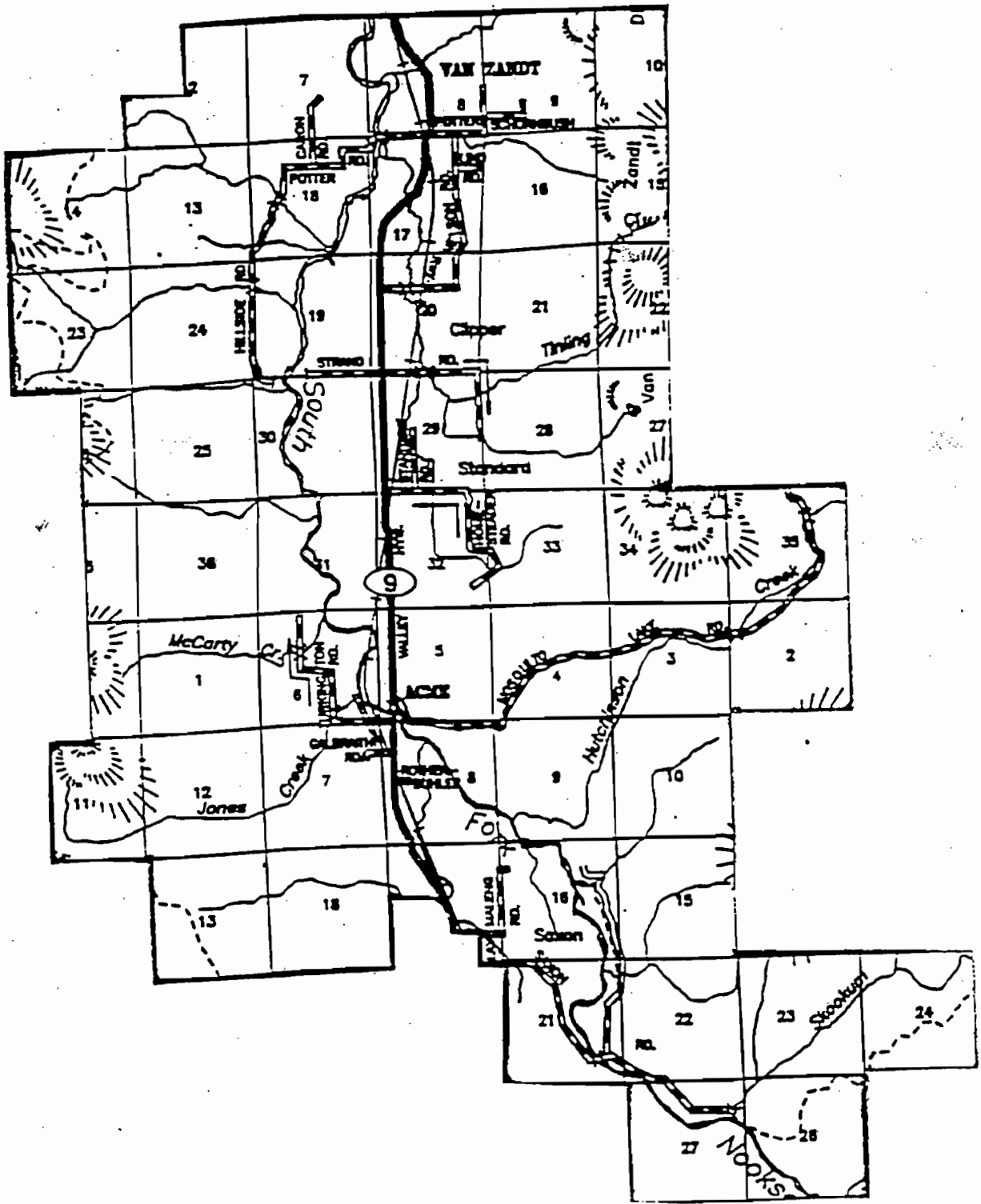
AND all or part of sections 12, 13, 14, 23, 24, 25, 26, 35 and 36 of Township 38 North, Range 4 East of W.M.

AND all or part of sections 1, 2, 11, 12, 13 of Township 37 North, Range 4 East of W.M.

AND all or part of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 21, 22, 23, 24, 26 and 27 of Township 37 North, Range 5 East of W.M.

The perimeter of said subzone more particularly described as follows:

commencing at the Southwest corner of section 13, said T37N, R4E, and being the true point of beginning; thence North one mile, to the Southeast corner of section 11, T37N, R4E; thence West 3/4 of a mile, to the Southwest corner of the Southeast one quarter of the Southwest one quarter of said section 11; thence North one mile to the Southwest corner of the Southeast quarter of the Southwest quarter of section 2, T37N, R4E; thence East 1/4 mile, to the South quarter corner of said section 2; thence North 3 miles to the South quarter corner of section 23, T38N, R4E; thence West one-half mile to the Southwest corner of said section 23; thence North 2 miles to the Northwest corner of section 14, T38N, R4E; thence East one mile to the Southwest corner of section 12, T38N, R4E; thence North one-half mile, to the West quarter corner of said section 12; thence East one-half mile to the center of said section 12; thence North one-half mile to the North quarter corner of section 12; thence East, 4 miles, to the North quarter corner of section 10, T38N, R5E; thence South, 4 miles to the North quarter corner of section 34, T38N, R5E; thence East 1 1/2 miles to the Northeast corner of section 35, T38N, R5E; thence South, 2 miles, to the Northeast corner of section 11; T37N, R5E; thence West, one mile, to the Northwest corner of said section 11; thence South, 2 miles, to the Northwest corner of section 23, T37N, R5E; thence East, 2 miles, to the Northeast corner of section 24, T37N, R5E; thence South one mile to the Southeast corner of said section 24; thence West one mile, to the Southwest corner of said section 24; thence South, one mile, to the Southeast corner of section 26, T37N, R5E; thence West, 2 miles, to the Southwest corner of section 27, T37N, R5E; thence North, one mile to the Northwest corner of said section 27; thence West, one mile, to the Northwest corner of section 28, T37N, R5E; thence North, one mile, to the Northeast corner of section 20, T37N, R5E; thence West 1/4 mile, more or less; along the Saxon Road, to the Lay Road; thence North, 1500 feet, more or less along the Lay Road to the Maleng Road; thence West, 1/4 mile, more or less, along the Maleng Road, to State Route 9; thence Northerly, along SR9, 1/4 mile, more or less, to the East-West centerline of section 17, T37N, R5E; thence West, one-half mile, more or less, to the West quarter corner of said section 17; thence South, 1/2 mile, to the Southeast corner of section 18, T37N, R5E; thence West, 2 miles, to the Southwest corner of section 13, T37N, R4E, and the true point of beginning



ACME/VANZANDT FLOOD CONTROL SUB-ZONE