



**ORDINANCE NO. 1736**

**AN ORDINANCE of the City Council of the City of Omak providing for the annexation of certain territory to the City of Omak, Washington, and incorporating the same within the corporate limits thereof, providing for the assumption of existing indebtedness, providing the same shall be subject to the Comprehensive Land Use Plan, and assigning zoning classification.**

**WHEREAS**, a Notice of Intent to Annex was filed with the City of Omak; and

**WHEREAS**, a meeting was held with the initiating parties resulting in a decision by the City Council to:

- (1) Accept the proposed annexation;
- (2) Require the simultaneous designation of Light Industrial zoning use district classification;
- (3) Require the assumption of a pro rata share of all existing City indebtedness by the area to be annexed; and

**WHEREAS**, a Petition for Annexation was made in writing and filed with the City Council seeking annexation of the real property described as follows, all of which property is contiguous to the corporate City limits of the City of Omak and located in the Southeast quarter of the Southeast quarter of section 24, Township 34 North, Range 26, E.W.M., Okanogan County, Washington, lying Easterly of the right of way for U.S. Highway 97:

Okanogan County Parcel No. 3426240074 more specifically described as Tax 74 SE E/HYW L/N 14`  
and

**WHEREAS**, said petition was signed by the owners of the above-described real property; and

**WHEREAS**, the staff of the City of Omak filed a Staff Report dated April 2, 2012, attached hereto as **Exhibit A**, which staff report recommended approval with conditions; and

**WHEREAS**, the City Council fixed a date for a public hearing and caused notice thereof to be published and posted as required by law; and

**WHEREAS**, a public hearing was duly held by the City Council of the City of Omak on the 2<sup>nd</sup> day of April, 2012, and after said hearing a motion was made, seconded and unanimously passed to approve the annexation of the subject property, adopt the Findings of Facts set forth in **Exhibit A**, subject to the conditions as set forth in **Exhibit A**.



**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OMAK, WASHINGTON, DO ORDAIN as follows:**

**Section 1.** Upon agreeing to meet all the conditions set forth in **Exhibit A** attached hereto, the real property described herein, being situated within the County of Okanogan, State of Washington, and being contiguous to the City of Omak, shall be annexed to and incorporated into the City of Omak.

**Section 2.** All property within the territory annexed shall, after the effective date hereof, be assessed and taxed at the same rate and on the same basis as the property within the City for any outstanding indebtedness of the City of Omak contracted prior to, or existing at the date of annexation.

**Section 3.** All property within the territory so annexed shall be subject to and be a part of the Comprehensive Plan of the City of Omak as now adopted, or as hereinafter amended.

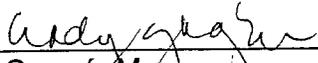
**Section 4.** The subject real property shall be zoned Light Industrial.

**Section 5.** A copy of this ordinance shall be filed and recorded as provided by law.

**Section 6.** This ordinance shall become effective from and after its passage by the Council, approved by the Mayor and five days after publication as required by law.

**PASSED BY THE CITY COUNCIL** this 2nd day of April, 2012.

**APPROVED:**

  
Cindy Gagné, Mayor

**ATTEST:**

  
Kathy Lobdell, City Clerk

**APPROVED AS TO FORM:**

  
Michael D. Howe, City Attorney



**EXHIBIT A**

**STAFF REPORT**

**DATE:** April 2, 2012  
**TO:** Mayor Cindy Gagné – Omak City Council  
**FROM:** Patrick Dalton, Building Official  
**RE:** COWELL PROPERTY ANNEXATON

**Proposal:** On March 3, 2012, the Building Planning Department received a Notice of Intent to commence annexation proceedings from Reid Cowell, as RCW Development LLC, owner of a parcel of land located contiguous to the boundary lines of the City limits. On March 19, 2012 the City Council at its regular meeting accepted the letter of intent and the petition to annex. The Omak City Council set a public hearing date regarding the annexation on April 2, 2012 at 7:00 P.M.

**Location Information:** The subject property is parcel #3426240074 totaling 17 acres located between Highway 97 and Sandflat Road. More specifically, Tax 74 SE E/HWY L/N14` A portion of the Southeast quarter of the Southeast quarter of section 24, Township 34 North, Range 26, E.W.M., Okanogan County, Washington, lying Easterly of the right of way for U.S. Highway No. 97. See attached Exhibit A & B.

**Current use:** The subject property currently is vacant and undeveloped.

**Current Comprehensive Plan Designation:** According to the Comprehensive Plan Map the subject property is currently designated as Mixed Use. The applicant is not requesting a Comp Plan Map amendment understanding that the proposed property will be Zoned as Light Industrial. Specific development of the property has not been proposed at this time. Mr. Cowell has stated the use will be consistent with the goals of the Comp Plan for Mixed Use and the Light Industrial Zoning classification.

**Current Zoning:** The area proposed for annexation is presently located within the Greater Omak Comprehensive Comp Area designated as a Mixed Use area and is surrounded by land zoned Light Industrial.

**Floodplains, Shorelines, SEPA, Critical Areas and Other Environmental Constraints:** The property does not lie within a designated floodplain or shoreline area. According to the City of Omak Critical Areas Map, the subject property lies within an area designated as having a "Moderate potential for aquifer recharge". As such any



subsequent development shall comply with the City of Omak critical areas regulations as currently adopted or amended. Annexation proceedings are categorically exempt from SEPA review.

**Reviewing Agencies:** City of Omak Building and Planning

**Recommendations:** City Staff recommends approval of the proposed annexation subject to the following conditions:

1. That it is understood that the owners, heirs or assigns shall be responsible for any extension of streets, sidewalks, or utilities associated with development of the annexed property described above.
2. That plans for streets, utilities, sewer, storm drainage, and necessary fire suppression etc... and any other proposed and/or required improvements, shall be prepared by Washington State registered professional engineer and submitted for review and approval by the City Public Works Director and any other agency or department as appropriate (eg. electricity, cable, irrigation), in writing, prior to construction.
3. All improvements shall be inspected by appropriate City Public Works staff during construction, all required tests witnessed by appropriate City Public Works staff with written results provided to the City in a timely manner and reproducible as-built drawings provided to the City upon completion of construction by the developer.
4. That the owners, heirs, or assigns of the subject property agree to participate in a Road Improvement District or other transportation system (funding) entity if and when it is formed to the extent necessitated by the development.
5. That any easements required for extension of city utilities shall be granted to the City in a manner acceptable to the City and petitioner.
6. That if any archaeological material or human remains are encountered during the course of this undertaking, all activity will cease immediately and the Tribal Historic Preservation Officer of the CCT will be contacted as soon as possible. Activity on the undertaking will not resume until satisfactory arrangements have been made between the applicant and the Tribal Historic Preservation Officer.
7. That the owner will assume its pro rata share of existing city or town indebtedness in the area to be annexed.



**Findings of Fact:**

1. That all requirements of Title 18 of the Omak Municipal Zoning Code were followed, including RCW 35.13.125 during this process and that the applicants, heirs and assignees as noted in the petition are required to adhere to these regulations for further land use actions or development proposals.
2. That the annexation is exempt from review under the State Environmental Policy Act.
3. The subject properties are located within the Urban Growth Area as identified in the Omak Area Comprehensive Plan.
4. The application of "Light Industrial" zoning is consistent with the goals and policies stated in the Omak Area Comprehensive Plan for areas designated as "Mixed Use".
5. That the approval of the annexation does not represent a granting of special privileges to the applicant.
6. That the public interest will be served by approval of this annexation.



**PETITION FOR ANNEXATION**

**TO**

**THE CITY OF OMAK, WASHINGTON**

**ORIGINAL**  
*copy*

**TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF OMAK,  
WASHINGTON**

The undersigned, being the owners as defined in RCW 35A.01.040 (9) (a) through (d), of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, do hereby petition that such territory be annexed to and made a part of the City of Omak, Washington, under the provisions of RCW 35A.14 et seq, and any amendments thereto, of the State of Washington.

The territory sought to be annexed is legally described on the attached Exhibit A which is incorporated herein, which legal description complies with RCW 35A.14.410. A map outlining the boundaries of the real property sought to be annexed is attached hereto and marked Exhibit B and is incorporated herein.

The petitioner requests that the Omak City Council meet with the initiating parties at the regularly scheduled City Council meeting on March 19<sup>th</sup>, 2012 to consider the proposed annexation request with conditions as follows:

1. The City shall require petitioner to agree to the assumption of City indebtedness by the area proposed to be annexed; and
2. The undersigned have been informed and will be required, in accordance with applicable Omak city ordinances, prior to annexation, to transfer to the City of Omak their present water rights, unless otherwise agreed with the City, as a condition of annexation. The terms and conditions of the transfer of the water rights to the City of Omak pursuant to this annexation shall be set forth in a written agreement or agreements approved by the City Council prior to annexation.

The petitioner requests that the above noted conditions be disclosed by the minute entry regarding the same in the minutes of the Omak City Council meeting on the 19<sup>th</sup> day of March, 2012.

WHEREFORE, the undersigned petition the City of Omak, Washington as follows:

(a) That appropriate action be taken to entertain this petition, fixing a date for a public hearing, causing a notice of the hearing to be published in one or more issues of the Omak Chronicle causing notice of the hearing to be posted in three public places within the territory proposed for annexation, specifying the time and place of such hearing, and inviting interested persons to appear and voice approval or disapproval of such annexation; and

(b) That following such hearing, the City Council determine by ordinance that such annexation shall be made, that such property annexed shall become a part of the City of Omak, Washington subject to its laws and ordinances then and thereafter in force, and subject to the



requirements with respect to transfer of water rights to the City of Omak in accordance with City of Omak ordinances.

The petitioners subscribing hereto agrees that all property within the territory hereby sought to be annexed shall be zoned Light Industrial and shall be assessed and taxed at the same rate and on the same basis as other property within the City of Omak, Washington, including assessments or taxes in payment of any bonds issued or debts contracted prior to or existing at the date of annexation.

**WARNING**

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Signature of Petitioner

*Reid B. Cowell*

Date: *3-14-2012*

**Reid B Cowell  
Managing Partner  
RCW Development LLC**



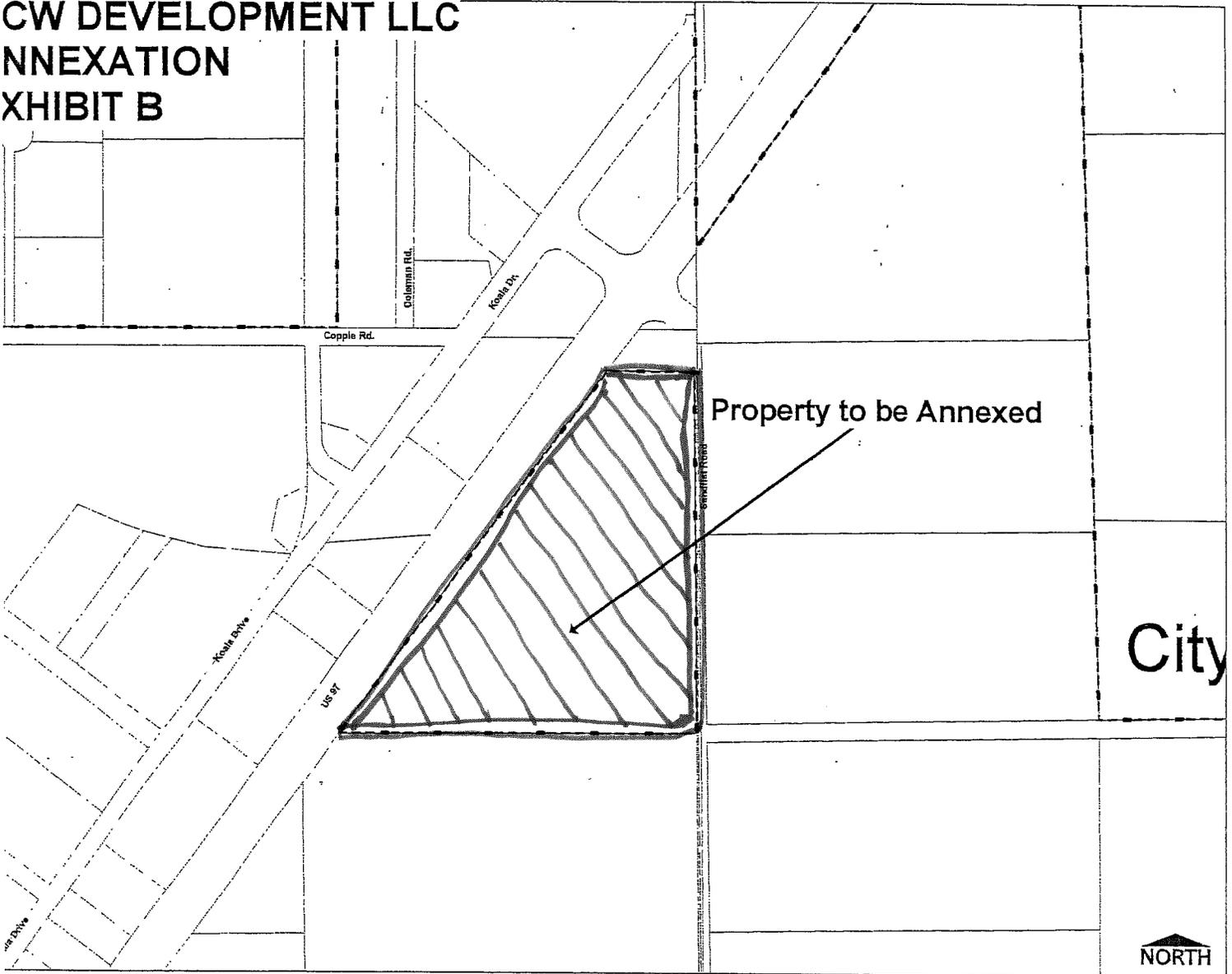
**Exhibit A – Legal Description**

TAX 74 SE SE E/HWY L/N140'

All that portion of the Southeast quarter of the Southeast quarter of section 24, Township 34 North, Range 26, E.W.M., Okanogan County, Washington, lying Easterly of the right of way for U. S. Highway No. 97.



# CW DEVELOPMENT LLC ANNEXATION EXHIBIT B





A stamp consisting of a square icon with a document symbol, the word "ORIGINAL" in a bold, sans-serif font, and the word "COPY" written in a large, stylized, handwritten font below it.

Honorable Mayor and Council  
City of Omak  
P.O. Box 72  
Omak, WA. 98841

Subject: Letter of Intent to Initiate Annexation

Honorable Mayor and Council;

This letter memorializes our intent as the owners of the below described property to initiate annexation into the City of Omak (see attached map for parcel planned for annexation). We request that the City accept our intent to annex approximately 17 acres comprising an unincorporated island located between Sandflat Road and US 97, within the Omak City Limits.

| Parcel number       | Owner               |
|---------------------|---------------------|
| 3426240074 17 acres | RCW Development LLC |

We have also included our petition for annexation with description attachments as a part of our intent to expedite the annexation process.

Thank you for your prompt consideration.

Sincerely,

A handwritten signature in black ink that reads "Reid B. Cowell".

Reid B. Cowell  
Managing Partner, RCW Development LLC

Date: 3-14-2012