

**CITY OF AIRWAY HEIGHTS  
SPOKANE COUNTY, WASHINGTON  
ORDINANCE NO. C-749**

**AN ORDINANCE OF THE CITY OF AIRWAY HEIGHTS, WASHINGTON,  
PROVIDING FOR ANNEXATION OF CERTAIN PROPERTY,  
ESTABLISHING THE OFFICIAL DATE OF ANNEXATION, ADOPTING ZONING  
REGULATIONS FOR THE PROPERTY AND PROVIDING FOR OTHER MATTERS  
RELATED THERETO**

WHEREAS, the City of Airway Heights, the City of Spokane and Spokane County entered into an Interlocal Agreement Regarding Annexations of Portions of the West Plains Urban Growth Area Between the City of Spokane, the City of Airway Heights and Spokane County on December 3, 2009 pursuant to the “Interlocal Method of Annexation” found at RCW Chapter 35A.14.480;

WHEREAS, the City of Airway Heights, Spokane County Fire Protection District 10 and Spokane County entered into an Interlocal Agreement Regarding Annexations of Portions of the West Plains Urban Growth Area between the City of Airway Heights, Spokane County and Spokane County Fire Protection District 10 with the Agreement being approved by the City on June 20, 2011, the County on June 28, 2011, and the District on June 7, 2011;

WHEREAS, RCW 35A.14.480 provides the annexation may commence by ordinance after entering into an interlocal agreement with Spokane County and Fire Protection District 10;

WHEREAS, pursuant to RCW 43.21C.222 annexation by a city is exempt from compliance with the State Environmental Policy Act; however, the adoption of zoning regulations are subject to compliance with SEPA;

WHEREAS, 35A.14.330 and 35A.14.340 provide that the City, simultaneous with the annexation process, may adopt a zoning ordinance to be effective upon approval of the annexation;

WHEREAS, the City comprehensive plan in Chapter 4 entitled “Land Use” has identified potential annexation areas of the City to include the area subject to this Ordinance;

WHEREAS, until the City conducts additional comprehensive planning with zoning regulations, the City pursuant to RCW 35A.12.140 hereby adopts the presently existing Spokane County zoning and related development code for the annexed property, provided, within 60 days following the annexation, the City planning commission shall hold a public hearing to determine the continued zoning for the property with a report thereafter provided to the City Council for further action;

WHEREAS, the City Council has conducted public hearings in order to receive information and take testimony on the proposed annexation with the City Council determining it is in the best interest of the City to annex the Property; and

WHEREAS, the City Council desires to annex the Property and provide for: (1) the levy of taxes and assumption of indebtedness at the same rate and on the same basis as property

presently located in the City; (2) the application of the general laws of the City; and (3) the adoption of zoning for the Property.

NOW, THEREFORE, the City Council of the City of Airway Heights, Washington, do ordain as follows:

**Section 1.** Approval of Annexation. The annexation of the Property is hereby approved and accepted by the City Council of the City of Airway Heights effective on January 1, 2012 (“Effective Date”), pursuant to RCW 35A.14.480.

**Section 2.** Effect of Annexation. From and after the Effective Date, the Property (described in Exhibit A) and all persons thereon are subject to the jurisdiction of the City of Airway Heights with all laws, ordinances, rules and regulations of the City being in full force and effect as now enacted or hereinafter amended. Except for services provided by other jurisdiction, the Property and persons shall receive all available City services in the same manner as other City property. The Property shall have levied thereon the real property tax assessment of the City and shall be assessed for the indebtedness of the City.

**Section 3.** Zoning. The Property shall be developed and used in accord with the County Comprehensive Plan, related Development Code and other land use regulations or policies adopted herein, until modified by further action of the City, not to occur prior to January 1, 2012. The land use, zoning designation and regulations as set forth on the County Comprehensive Plan Map, Zoning Map and Development Code shall apply to and regulate the Property as of the Effective Date. Permit applications for land use shall be made to the City of Airway Heights.

The City Manager, or designee, is hereby authorized to modify the City of Airway Heights Zoning Map to reflect the action taken by the City Council pursuant to this Ordinance. All other maps of the City shall be modified to reflect the expansion of the City corporate limits as set forth herein.

**Section 4.** Duty of City Clerk. The City Clerk is directed to provide: (1) the Spokane County Auditor a certified copy of this ordinance, a map of the Property, related legal description and request that the above be maintained on file in the office of the Auditor; and (2) a certified copy of this Ordinance to the Spokane County Board of County Commissioners, pursuant to RCW 35A.14.140.

**Section 5.** Boundary Review Board. The City Manager, or designee, is authorized, following approval of this Ordinance by the City Council, to file a Notice of Intention with the Spokane County Boundary Review Board stating that the Property is proposed to be annexed to the City of Airway Heights. Thereafter, the City Manager shall monitor the action of the Spokane County Boundary Review Board and shall, within 45 days, or such reasonable time, from the filing of the Notice of Intention, report back to the City Council regarding action taken by the Boundary Review Board. The City Manager is further authorized to take all actions necessary in order to process this annexation through the Spokane County Boundary Review Board.

**Section 6.** Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 7.** Effective Date. This Ordinance shall be in full force and effect on five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor, Patrick Rushing

ATTEST:

\_\_\_\_\_  
City Clerk, Richard G. Cook

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney, Stanley M. Schwartz

Date of Publication: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

EXHIBIT "A"

LEGAL DESCRIPTION

To be provided.