

## **ORDINANCE NO. 2505**

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON ANNEXING APPROXIMATELY 101 ACRES OF REAL PROPERTY KNOWN AS THE “268<sup>th</sup> AVENUE SE” ANNEXATION, REQUIRING THAT THE PROPERTY IN THE ANNEXATION AREA SHALL BE ASSESSED AND TAXED AT THE SAME RATE AND ON THE SAME BASIS AS OTHER PROPERTY WITHIN THE CITY OF ENUMCLAW, ADOPTING A PROPOSED ZONING REGULATION FOR THE REAL PROPERTY, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE (268<sup>TH</sup> ANNEXATION; FILE NO. 10-124).

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**Whereas**, on July 1, 2010, the City of Enumclaw received a Notice of Intent pursuant to RCW 35A.14.120 to annex certain real property commonly referred to as the 268<sup>th</sup> Avenue SE Annexation; and

**Whereas**, the Notice of Intent was signed by the owners of the property representing at least ten percent (10%) in value (according to the assessed valuation for general taxation) of the real property; and

**Whereas**, on November 22, 2010 the City Council adopted Resolution 1402, accepting the proposed annexation and authorizing the initiating party to circulate an annexation petition seeking the signatures of the owners of 60% of the assessed valuation of property within the proposed annexation area; and

**Whereas**, on June 16, 2011, a petition for annexation of an area contiguous to the City of Enumclaw was made in writing, and signed by owners of property representing not less than sixty percent (60%) in value (according to the assessed valuation for general taxation) of the property for which annexation is petitioned; and

**Whereas**, on July 12, 2011, King County Assessor, Lloyd Hara, determined that the petition contains the signatures of the owners of 60% of the assessed valuation of property located within the proposed 268<sup>th</sup> Avenue SE Annexation Area, and so notified the City of Enumclaw of that determination in writing; and

**Whereas**, on October 24, 2011, the City of Enumclaw City Council held a public hearing (subsequent to publication of notice thereof as provided in RCW 35A.14.130), following the conclusion of the hearing, City Council adopted Resolution No. 1434 accepting the 60% petition and directing city staff to file a Notice of Intent to Annex with the King County Boundary Review Board; and

**Whereas,** The Notice of Intention to annex was filed with the King County Boundary Review Board November 30, 2011; and

**Whereas,** the 45 day review period before the King County Boundary Review Board expired effective January 14, 2012, and jurisdiction was not invoked. The Boundary Review Board deemed this proposed action effective January 17, 2012 following approval of a revised legal description, as described in Exhibit “A”; and

**Whereas,** the City of Enumclaw is authorized, pursuant to RCW 35A.14.330 and RCW 35A.14.340, to prepare proposed zoning regulations to become effective upon the annexation of any area which might reasonably be expected to be annexed by the City at any future time; and

**Whereas,** the City desires to establish a proposed zoning regulation for the 268<sup>th</sup> Avenue SE Annexation area of R-2 Moderate Density Single Family Residential and R-1 Low Density Single Family Residential District pursuant to EMC Chapters 18.08 and 18.06, as depicted on Exhibit “B” to become effective upon annexation; and

**Whereas,** the proposed zoning regulation is consistent with the Comprehensive Plan, EMC 18.04.060 and with RCW 35A.14.330, and would be in the interest of the public health, safety, morals, and the general welfare; and

**Whereas,** following publication and posting of notice as provided in RCW 35A.14.130, the City Council held public hearings on the annexation and proposed zoning regulation on February 27, 2012 and April 9, 2012 to accept public testimony, said dates being more than thirty (30) days apart consistent with the requirements of RCW 35A.14.340; and

**Whereas,** the City conducted the required environmental review under the State Environmental Policy Act (SEPA) and on February 15, 2012, the City issued a SEPA Determination of Non-Significance (DNS) for the non-project action of adopting a zoning regulation. The City received no comments or appeals on the SEPA DNS; and

**Whereas,** all statutory requirements have been complied with, including RCW 35A.14 and RCW 36.93 inclusive.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. Annexation Area.** The property known as the “268<sup>th</sup> Avenue SE Annexation” legally described in Exhibit “A” is hereby annexed to the City of Enumclaw, Washington.

**Section 2. Proposed Zoning Regulation.** The City adopts for the 268<sup>th</sup> Avenue SE Annexation a proposed zoning regulation of R-2 Moderate Density Single Family Residential

and R-1 Low Density Single Family Residential EMC Chapters 18.08 and 18.06, as depicted on Exhibit "B" which becomes effective upon annexation.

**Section 3. Assumption of Indebtedness.** The property hereby annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Enumclaw is assessed and taxed to pay for any outstanding general indebtedness of the City.

**Section 4. Comprehensive Plan.** This action is consistent with the Comprehensive Plan.

**Section 5. Filings and Recordings.** The City Clerk is authorized and directed to file a certified copy of this ordinance with the King County Division of Records and the King County Council, and the King County Division of Records is requested to record the ordinance.

**Section 6. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 7. Effective Date.** This ordinance shall take effect and be in force on July 1, 2012 after its passage, approval and publication as required by law.

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Mayor Liz Reynolds

INTRODUCED \_\_\_\_\_

PASSED \_\_\_\_\_

APPROVED \_\_\_\_\_

PUBLISHED \_\_\_\_\_

Attested:

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Meredith Shirey  
City Clerk

Approved as to form:

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Michael J. Reynolds  
City Attorney

Ordinance No. 2505

Draft No.: 1

Date: February 3, 2012

Ordinance Requested By: Department of Community Development

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