

WHEN RECORDED RETURN TO:

Richland City Clerk
P.O. Box 190 MS-05
Richland, WA 99352

ORDINANCE NO. 41-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHLAND, Benton County Washington, annexing approximately 1,878 Acres including the Badger Mountain South Master Planned Community, providing for assumption of existing City indebtedness and amending the Official Zoning Map.

WHEREAS, the City received a notice of intent from the owners of more than ten percent in value of the real property legally described in Exhibit A attached hereto, to commence annexation proceedings for annexation into the City of Richland; and

WHEREAS, a meeting was held on the 17th day of August, 2010, between the initiating parties of this annexation and the Council of the City of Richland, at which time the Council passed Resolution No. 46-10, accepting the notice of intention to commence annexation proceedings for the real property legally described in Exhibit A attached hereto, subject to simultaneous adoption of the Badger Mountain Subarea Plan to serve as the Comprehensive Plan for the proposed annexation area, and the assumption of the appropriate share of all existing city indebtedness; and

WHEREAS, Resolution No 46-10 further authorized and directed the Richland Planning Commission to propose and forward a recommendation to the City Council as to the most appropriate zoning designations for the areas proposed to be annexed; and

WHEREAS, a notice of intention to annex was duly filed with the Boundary Review Board on September 10, 2010; Jurisdiction of the Boundary Review Board was not invoked within 45 days of filing, and thus the proposed annexation was deemed approved by the Boundary Review Board on October 25, 2010; and

WHEREAS, the Richland Planning Commission held a public hearing on October 27, 2010 to consider appropriate zoning designations for the proposed annexation area; and

WHEREAS, on November 2, 2010, the Council passed Resolution No. 73-10, authorizing the circulation of an annexation petition for annexation of the real property legally described in Exhibit A attached hereto; and

WHEREAS, a petition was circulated, filed with Benton County, and certified by the County Assessor as containing signatures of the owners of not less than 60% in value, according to the assessed valuation for general taxation, of the property to be annexed; and

WHEREAS, a City Council held a public hearing to consider the annexation on November 16, 2010, which hearing was duly noticed by the City Clerk through publication in a newspaper of general circulation in the City and the proposed annexation area, and through posting of a hearing notice in three public places within the territory proposed for annexation, specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, the matter was duly considered by the City Council of the City of Richland and the Council has determined that the annexation would be of general benefit to the residents of the City of Richland;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1. The real property legally described in Exhibit A attached hereto is hereby annexed to the City of Richland and is hereby declared to be within the corporate limits of City of Richland, Benton County, Washington (the "Annexed Area")

Section 2. The Badger Mountain Subarea Plan, adopted September 7, 2010, by Ordinance No. 25-10, shall serve as the Comprehensive Plan for the Annexed Area.

Section 3. The property within the Annexed Area shall be assessed and taxed at the same rate and on the same basis as other property within the City, including assessments or taxes in payment for all or of any portion of the outstanding

indebtedness of the City, approved by the voters, contracted, or incurred prior to, or existing at the date of annexation.

Section 4. The zoning for the portion of the Annexed Area within the Badger Mountain South Master Planned Community shall be as set forth in the Master Agreement and associated Land Use and Development Regulation for the Badger Mountain Master Planned area adopted December 7, 2010 by Resolution No. 77-10 ("LUDR").

Section 5. It is hereby found, as an exercise of the City's police power, that the best zoning for the existing Reata Ridge Subdivision residential lots, located in the southeastern portion of the Annexed Area, shall be R-1-12 Single Family Residential zoning, when consideration is given to the interest of the general public.

Section 6. It is hereby found, as an exercise of the City's police power, that the best zoning for the remaining portion of the Annexed Area shall be Agricultural Use zoning, when consideration is given to the interest of the general public.

Section 7. A map identifying the zoning classifications for the Annexed Area is attached hereto as Exhibit B. The Official Zoning Map of the City, as adopted by RMC 23.08.040, is hereby amended by adding the Annexed Area with the zoning designations set forth in Exhibit B. Sectional maps shall be amended and new sectional maps shall be created as necessary to reflect the zoning designations set forth in Exhibit B. Said maps shall bear the number and date of passage of this ordinance, and be made a part of the Official Zoning Map of the City.

Section 8. The City Clerk is directed to file a copy of this annexation with the Board of County Commissioners of Benton County and the State of Washington in the manner required by law. The City Clerk is also directed to file with the Auditor of Benton County, Washington a copy of this ordinance and shall attach amended sectional maps and additional sectional maps as necessary and an amended Annexation Map, duly certified by the Clerk as a true copy.

Section 9. As authorized and required by RCW 35.13.280, the City shall negotiate a new franchise with the solid waste collection service provider currently serving the Annexed Area on terms that are acceptable to the City and that requires compliance with the City's Solid Waste Management Plan.

Section 10. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, at a regular meeting on the 7th day of December, 2010.

JOHN FOX
Mayor

ATTEST:

APPROVED AS TO FORM:

DEBRA C. BARHAM, CMC
Chief Deputy City Clerk

THOMAS O. LAMPSON
City Attorney

Date Published: December 12, 2010