CITY OF SEQUIM ORDINANCE #2009-010

AN ORDINANCE OF THE CITY OF SEQUIM ANNEXING AN UNINCORPORATED CONTIGUOUS AREA WITHIN THE SEQUIM URBAN GROWTH AREA OF CLALLAM COUNTY PURSUANT TO RCW 35.13; 35A.01.040 AND 35A.14 AND ESTABLISHING RESIDENTIAL (R-II) AS THE OFFICIAL ZONING DESIGNATION FOR THE PARCEL WITHIN THE AREA OF ANNEXATION AS DESIGNATED IN THE ORDINANCE AND THE ATTACHED EXHIBITS.

WHEREAS, the initiating party represents not less ten percent of the acreage of the area have submitted to the City of Sequim an intention to commence annexation proceedings; and,

WHEREAS, the City Council met with said initiating party (RCW 35A.14.120) on October 22, 2007 and opted to amend the proposed annexation area with an annexation agreement; and,

WHEREAS, by City Council acceptance, the initiating party was authorized to circulate a petition in a form as identified in RCW 35A.01.040; and,

WHEREAS, the annexation area encompasses 20 parcels totaling 10.39-acres; and,

WHEREAS, the annexation is a logical extension of the boundaries of the City of Sequim; and,

WHEREAS, the area of annexation is located within the scope of the City of Sequim Comprehensive Plan Update and urban growth area and is consistent with direction given for review of annexations identified in the Urban Growth Area Element (Chapter 4); and,

WHEREAS, the property is currently connected to City of Sequim water and sanitary sewer services; and,

WHEREAS, the property is currently regulated under Clallam County zoning and must be pre-zoned for City of Sequim zoning, such zoning to become effective on the effective date of annexation; and,

WHEREAS, the City of Sequim and Clallam County are required to do comprehensive land use planning under the Growth Management Act and have entered into an inter-local agreement for joint planning of the Sequim urban growth area through the adoption of consistent Comprehensive Plan Optimum Land Use Maps; and,

WHEREAS, as a result of compliance with the Growth Management Act and of the Service Extension Review Process agreement with the County, the comprehensive planning for urban services, including water and sanitary sewer service, by the City includes the entire urban growth area; and,

WHEREAS, by City Council acceptance, the initiating party was authorized to circulate a petition in a form as identified in RCW 35A.01.040; and,

WHEREAS, the circulated petition required signatures of property owners representing 60% or more of the assessed property value of the amended annexation area; and,

WHEREAS, said petition was received by the City of Sequim and transmitted to the Clallam County Assessor's Office for determination of sufficiency; and,

WHEREAS, a determination of sufficiency was made by the Clallam County Assessor on April 17, 2009; and,

WHEREAS, annexations are considered minor land use decisions and are categorically exempt from threshold determination and EIS requirements (RCW 43.21(C)222. Environmental review and SEPA checklist submittal will be required, if necessary, with subsequent development applications; and,

WHEREAS, a Clallam County Boundary Review Board was created by Resolution No. 115 on December 14, 2004 for adequate consideration on municipal and district boundaries; and,

WHEREAS, the required Boundary Review Board package was transmitted to Clallam County on April 30, 2009; and,

WHEREAS, the Clallam County Boundary Review completed their review and has issued a compliance letter on June 25, 2009; and,

WHEREAS, annexations are identified in Chapter 20.01.030 Table 2, Sequim Municipal Code, as a Type C-2 process involving a Planning Commission public meeting and a City Council public hearing; and,

WHEREAS, notification of said meetings were made in conformance with RCW Section 35A.14.130; and,

WHEREAS, the City of Sequim Planning Commission held a public meeting on the proposed annexation at their June 2, 2009 regularly scheduled meeting and passed a motion to recommend approval to the City of Sequim City Council; and,

WHEREAS, the City of Sequim City Council held a public hearing on the proposed annexation on July 13, 2009 for the purpose of receiving comments on the proposed annexation; and,

WHEREAS, it is the considered opinion of the City Council of the City of Sequim, that said area to be annexed be subject to the conditions and restrictions hereinafter stated and as set forth in the Petition for Annexation;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEQUIM DO ORDAIN AS FOLLOWS:

Section 1: That the area and property described in the attached Exhibit "A" Legal Description and shown in Exhibit "B" Map, be and is hereby annexed to the City

of Sequim and such annexation does not require the approval, except as to form, of any other agency.

Section 2: That the entire area of annexation be and hereby is required to assume existing and future City indebtedness on a proportionate basis.

Section 3: That all laws and ordinances of the City of Sequim shall be in effect within the described parcels, consistent with the adopted Comprehensive Plan and zoning designations, as of the effective date of the annexation.

Section 4: That residential (R-II) as defined in Title 18 of the Sequim Municipal Code be established as the official zoning districts for the parcels within the area of annexation consistent with the designations and locations identified in the adopted City of Sequim Comprehensive Plan Update (August 2006); such zoning to become effective as of the effective date of the annexation.

Section 5: Severability: If any section, subsection, or other portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion shall be deemed a separate portion of this Ordinance and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6: This Ordinance shall become effective five (5) days after passage and publication.

Section 7: Read for the first time and passed by the City Council of the City of Sequim, at a regular meeting thereof, held this 13th day of July, 2009, the second reading having been waived by Council.

Laura Dubois, Mayor

ATTEST:

Karen Kuznek-Reese, CMC
City Clerk

APPROVED AS TO FORM:

Craig Ritchie
City Attorney

Published July 17, 2009:

Effective: July 22, 2009

EXHIBIT – A

ZENOVIC & ASSOCIATES
INCORPORATED

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CITY OF SEQUIM
RECEIVED
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BY

LEGAL DESCRIPTION
FOR
CITY OF SEQUIM ANNEXATION #07-002

LOTS 1 THROUGH 17, PLAT OF EAGLE CREST AS RECORDED IN VOLUME 15 OF PLATS, PAGE 50, UNDER AUDITOR'S FILE NO. 2008-1223354 AND LOT 2, JOHNSON SHORT PLAT AS RECORED IN VOLUME 17 OF SHORT PLATS, PAGE 50, UNDER AUDITOR'S FILE NO. 587508, RECORDS OF CLALLAM COUNTY, WASHINGTON.

CONTAINING 11.1 ACRES, MORE OR LESS.

SITUATE IN THE COUNTY OF CLALLAM, STATE OF WASHINGTON.

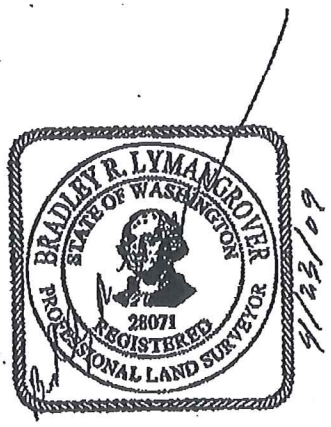
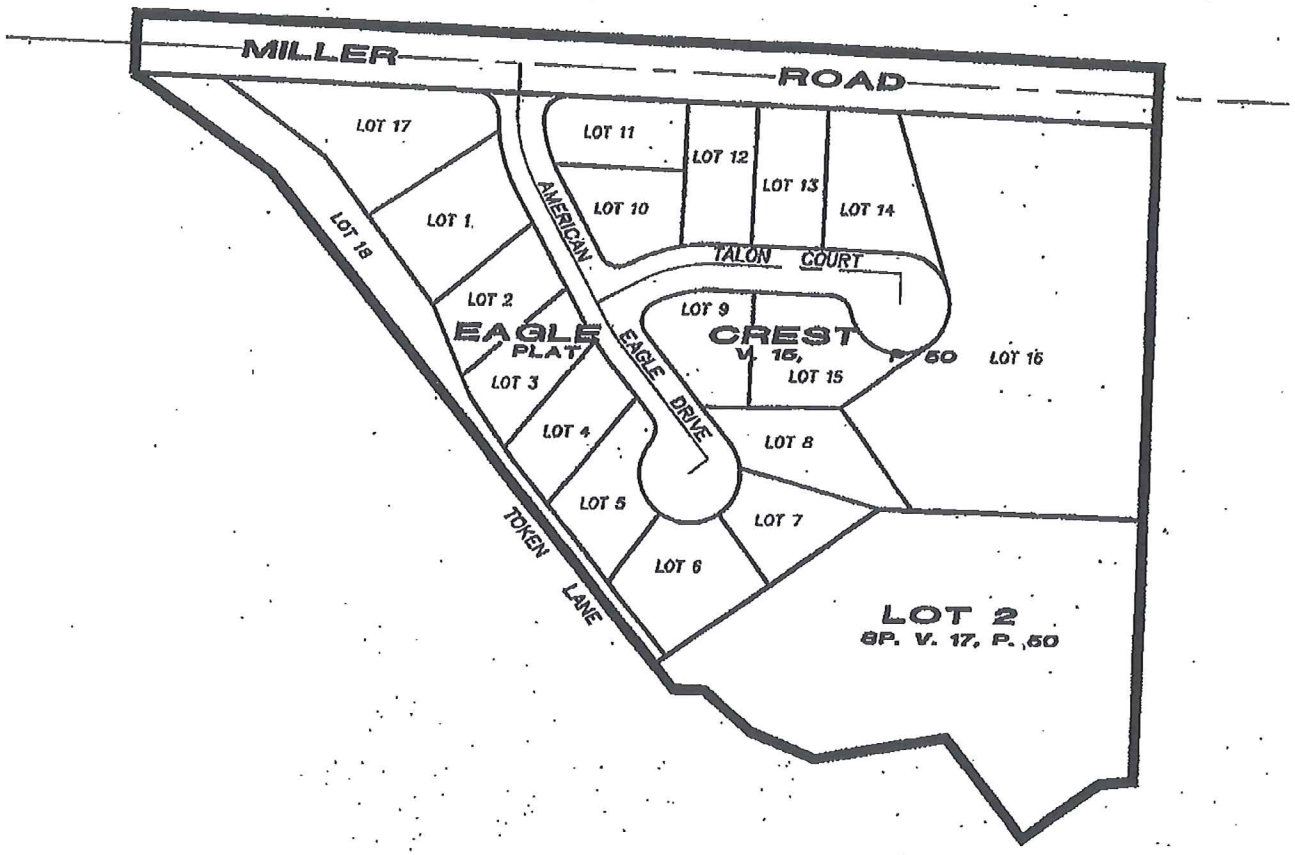
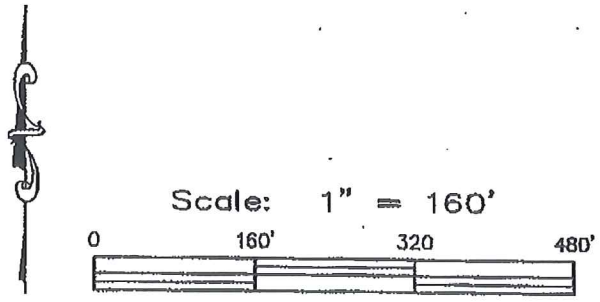


EXHIBIT – B

ANNEXATION EXHIBIT