

**CITY OF PROSSER, WASHINGTON  
ORDINANCE NO. 17-2996**

**AN ORDINANCE ANNEXING AND ZONING REAL PROPERTY WITH  
PARCEL NUMBERS 1-0685-201-1408-001 & 1-0685-201-1408-002  
COMMONLY KNOWN AS THE PROPERTY EAST OF SR-22 AND  
NORTH OF SR-221; MAKING THE PROVISIONS OF THE ORDINANCE  
SEVERABLE FROM ONE ANOTHER; PROVIDING FOR ZONING;  
SETTING FORTH THE EFFECTIVE DATE OF THE ORDINANCE; AND  
PROVIDING FOR PUBLICATION BY SUMMARY.**

**WHEREAS**, Petitioner Panoramic Properties, Inc. being the owner of property constituting not less than 10 percent in assessed value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, met with the City Council of the City of Prosser, Washington, on June 14, 2016, which date was prior to circulating their petition for annexation; and

**WHEREAS**, at the initial meeting the City Council determined that the City would accept the proposed annexation provided that property owned by Panoramic Properties, Inc. be included in the petition for annexation and provided that existing City indebtedness was assumed by the area to be annexed; and

**WHEREAS**, on October 7, 2016, a sufficient petition for annexation was submitted to the Benton County Assessor and filed with the City Council pursuant to RCW 35A.14.120, signed by owners of not less than 60 percent of assessed valuation for general taxation of the property for which annexation is petitioned, seeking annexation to the City of Prosser of contiguous property commonly described in the attached exhibit "A"; and

**WHEREAS**, the Benton County Assessor issued a determination of sufficiency for the Petition for Annexation on October 14, 2016; and

**WHEREAS**, the City Council fixed the date of November 8, 2016, at the hour of 7:00

p.m. or soon thereafter as may be held, as the date of the Public Hearing on the proposed annexation and caused notice of such hearing to be published and posted in accordance with RCW 35A.14.130, and the Public Hearing having been held on that date and all interested parties appearing at the hearing and desiring to be heard in regard to the proposed annexation; and

**WHEREAS**, on November 8, 2016, the City Council passed Resolution Number 16-1534 which determined that it is in the best interest of the City to annex the properties described on exhibit “A” and the annexation of the properties benefits the general welfare of the City’s citizens by increasing the tax base of the City and incorporating property which already receives City services; and

**WHEREAS**, the annexation of property by a Code City is exempt from review under the State Environmental Policy Act pursuant to RCW 43.21C.222; and

**WHEREAS**, all statutory requirements having been complied with, a notice of intent to annex was accepted for review by the Benton County Boundary Review Board on November 29, 2016; and

**WHEREAS**, on December 20, 2016, the Benton County Boundary Review Board notified the City that per RCW 36.93.110, review by the Boundary Review board was not necessary, the City could proceed to annex the property; and

**WHEREAS** the Prosser Planning Commission held public hearings on November 17, 2016, December 15, 2016, and December 21, 2016 regarding the zoning of the property subject to annexation; and

**WHEREAS**, on December 21, 2016, the Prosser Planning Commission recommended that the property subject to annexation be zoned Industrial Light District (IL); and

**WHEREAS**, on December 21, 2016, the Prosser Planning Commission adopted findings

supporting its recommendation to the City Council; and

**WHEREAS**, the City Council held public hearings on January 24, 2017, and February 28, 2017, regarding the zoning of the property subject to annexation; and

**WHEREAS**, the City of Prosser, Washington, was the lead agency for environmental review under SEPA for the zoning action; and the City of Prosser, Washington issued a determination of non-significance (DNS) on November 28, 2016; and the SEPA determination is hereby incorporated herein as if fully set forth;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** The following described real property is hereby annexed into and made a part of the City of Prosser, Washington:

**SEE EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN**

**Section 2.** All property within the territory annexed hereby shall be assessed and taxed at the same rate and on the same basis as property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation.

**Section 3.** From and after the effective date of this ordinance, the above described property shall be subject to all of the laws and ordinances then and thereafter in force and effect of the City of Prosser.

**Section 4.** The City Council hereby adopts the Prosser Planning Commission findings dated December 21, 2016, regarding the proposed zoning of the property described in section 1. The City Council hereby adopts the recitals set forth above as additional findings supporting the zoning of the property listed in section 1. The property described in section 1

above is hereby zoned Industrial Light District (IL).

**Section 5.** City Staff is hereby authorized to negotiate with any solid waste provider a buy-out of their franchise rights to the area annexed. City Staff shall bring the amount of the buy-out back to the City Council for approval prior signing any agreement with such a provider, if any.

**Section 6. SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

**Section 7.** This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 28<sup>th</sup>, day of February, 2017.

Attest:

\_\_\_\_\_  
Mayor Randy Taylor

\_\_\_\_\_  
Rachel Shaw, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Howard Saxton, City Attorney

Publication Date:

## **EXHIBIT “A”**

Parcels # 1-0685-201-1408-001 & 1-0685-201-1408-002:

Lots 1 and 2 of Short Plat Number 1408, recorded on July 9, 1984, in Book 1 of Short Plats at Page 1408, under Benton County Auditor’s Recording Number 898524, records of Benton County, State of Washington.

## **SUMMARY OF ORDINANCE NO. 17-2996**

of the City of Prosser, Washington

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On the 28<sup>th</sup> day of February, 2017, the City of Prosser, Washington, passed Ordinance No. 17-2996. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE ANNEXING AND ZONING REAL PROPERTY WITH PARCEL NUMBERS 1-0685-201-1408-001 & 1-0685-201-1408-002 COMMONLY KNOWN AS THE PROPERTY EAST OF SR-22 AND NORTH OF SR-221; MAKING THE PROVISIONS OF THE ORDINANCE SEVERABLE FROM ONE ANOTHER; PROVIDING FOR ZONING; SETTING FORTH THE EFFECTIVE DATE OF THE ORDINANCE; AND PROVIDING FOR PUBLICATION BY SUMMARY.

The full text of this Ordinance will be mailed upon request.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2017

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CITY CLERK, RACHEL SHAW