

ORDINANCE NO. 2020-27

AN ORDINANCE ANNEXING APPROXIMATELY 17 ACRES BEING GENERALLY LOCATED SOUTH OF ABBOTT ROAD, EAST OF FERN AVENUE, AND NORTH RESER ROAD, TO THE CITY OF WALLA WALLA AND TAKING SUCH OTHER ACTION RELATED THERETO

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 an May 13, 1970 which classified the City of Walla Walla as a non-chartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, the Walla Walla County Board of Commissioners passed County Resolution number 90-449 on October 30, 1990 opting into planning activities under the Washington Growth Management Act, RCW Ch. 36.70A; and

WHEREAS, RCW Ch. 35A.14 provides for annexation by direct petition initiated by the filing of notification by owners of property in the territory proposed for annexation which is not less than ten percent (10%) of the assessed value of the property to be annexed; and

WHEREAS, the City of Walla Walla has received sufficient notification from property owners of intent to annex territory consisting of property, being generally located east of Fern Avenue and Abbott Road and approximately 5.5 acres; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2019-63 at its regular meeting on May 22, 2019 setting June 24, 2019 as the date for meeting to determine whether the city would accept, reject, or geographically modify the proposed annexation; and

WHEREAS, Walla Walla City Council passed Resolution No. 2019-84 at its June 24, 2019 regular meeting determining that it will geographically modify the area for annexation to include an additional 11 acres for a total of approximately 17 acres; and

WHEREAS, the owners of property in the area which is not less than sixty percent (60%) of the assessed value of the property to be annexed have signed a petition for annexation and submitted to the City on March 23, 2020; and

WHEREAS, the Walla Walla City Council passed Resolution 2020-74 at its regular meeting on July 8, 2020 setting August 12, 2020 as the public hearing date to consider the annexation;

WHEREAS, public notice of the public hearing was provided to adjacent property owners, property owners within the annexation boundary, posted in 3 locations within the annexation boundary, on the city's website, in Union Bulletin, and posted at city hall; and

WHEREAS, the Walla Walla City Council conducted a public hearing at its August 12, 2020 regular meeting; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council, has given said matter careful review and consideration, and finds that good government and the best interests of the City of Walla Walla will be served by annexation of the area described in Section 1 hereto and taking such other action related thereto.

NOW THEREFORE, the City Council of the City of Walla Walla do ordain as follows:

Section 1: The following described property is hereby annexed to the City of Walla Walla:

Beginning at the Northwest corner of lot 1 of the Garden Gates PUD as shown on plat recorded as Auditor's file no. 2012-01364 in Plat Book 7 at page 61 on 2/17/2012 in Walla Walla County, Washington;

thence S 01°36'47" E, along the Westerly boundary of said Garden Gates PUD, a distance of 484.00 feet to the Southwest corner thereof, said corner being on the South line of Tract 35 as shown on the Abbott Acre Tract Addition recorded in plat volume "D" at page 21 on 10/11/1907 in Walla Walla County, Washington;

thence, along the South line of said Tract 35, S 88°24'01" W a distance of 240.50 feet to the Northeast corner of the Carmella Short Plat, recorded as Auditor's File no. 2005-13152 in Short Plat Book 4 at page 190 on 10/20/2005 in Walla Walla County, Washington;

thence, along the Easterly boundary of said Carmella Short Plat and along the Easterly boundary of Parcel "A" as shown on survey recorded as Auditor's File no. 2005-02008 in Survey Book 9 at page 197 in Walla Walla County, Washington, S 16°22'23" W a distance of 706.14 feet to the Northeast corner of Parcel "B" of short plat recorded as Auditor's file no. 1991-04590 in Short Plat volume 2 at page 159;

thence, along the North line of said Parcel "B", N 73°37'37" W a distance of 102.02 feet to the Northwest corner thereof;

thence, along the West line of said Parcel "B", S 16°32'23" W a distance of 141.22 feet to the North right of way of Reser Road;

thence, Westerly along the North right of way of Reser Road, S 88°26'44" W a distance of 155.58 feet to the intersection of the North right of way of Reser Road and the East right of way of Fern Avenue;

thence, continuing along a prolongation of the North right of way of Reser Road, S 88°26'44" W a distance of 137.32 feet to the West right of way of Fern Avenue;

thence, northerly along the West right of way of Fern Avenue, N 01°26'48" W a distance of 22.60 feet;

thence, along the West right of way of Fern Avenue, with a non-tangent curve turning to the left with an arc length of 138.44 feet, with a radius of 129.08 feet, with a delta angle of 61°27'02", with a chord bearing of N 29°27'53" E, with a chord length of 131.90 feet;

thence, continuing along the West right of way of Fern Avenue, N 01°15'38" W a distance of 12.63 feet;

thence, continuing along the West right of way of Fern Avenue, N 88°34'49" E a distance of 29.79 feet;

thence, continuing along the West right of way of Fern Avenue, with a non-tangent curve turning to the left with an arc length of 54.21 feet, with a radius of 692.65 feet, with a delta angle of 04°29'03", with a chord bearing of N 00°45'12" E, with a chord length of 54.20 feet;

thence, continuing along the West right of way of Fern Avenue, N 01°29'19" W a distance of 619.43 feet;

thence, continuing along the West right of way of Fern Avenue, with a curve turning to the right with an arc length of 54.08 feet, with a radius of 2322.00 feet, with a delta angle of 01°49'17", with a chord bearing of N 00°49'17" E, with a chord length of 54.08 feet;

thence, continuing along the West right of way of Fern Avenue, N 01°28'25" W a distance of 362.26 feet to the intersection of the West right of way of Fern Avenue and the South right of way of Abbott Road from the West side of Fern Avenue;

thence, along a prolongation of the West right of way of Fern Avenue, N 01°28'25" W a distance of 29.96 feet to the intersection of the prolongation of the West right of way of Fern

Avenue and a prolongation of the South right of way of Abbot Road from the East side of Fern Avenue;
 thence, along the prolongation of the South right of way of Abbott Road from the East side of Fern Avenue, N 88°23'14" E a distance of 79.30 feet to the intersection of the South right of way of Abbott Road from the East side of Fern Avenue and the East right of way of Fern Avenue;
 thence, continuing along the South right of way of Abbott Road, N 88°23'14" E a distance of 709.88 feet;
 thence, continuing along the South right of way of Abbott Avenue, S 01°36'47" E a distance of 10.00 feet to the point of beginning; excluding parcel number 360733510083

having an area of 715,623 square feet, 16.43 acres

Section 2: The Walla Walla Zoning Code, Walla Walla Municipal Code Title 20, as amended, are hereby adopted and the following zoning designation applied pursuant to the Walla Walla 2040 - Comprehensive Plan Future Land Map:

Parcel Number	Zoning Designation
360733130031	Neighborhood Residential
360733130032	Neighborhood Residential
360733130033	Neighborhood Residential
360733130034	Neighborhood Residential
360733130035	Neighborhood Residential
360733130039	Neighborhood Residential
360733130038	Neighborhood Residential
360733130037	Neighborhood Residential
360733130036	Neighborhood Residential
360733510104	Neighborhood Residential
360733510076	Neighborhood Residential
360733510041	Neighborhood Residential
360733510080	Neighborhood Residential
360733510078	Neighborhood Residential
360733510105	Neighborhood Residential
360733130030	Neighborhood Residential
360733510077	Neighborhood Residential
360733510079	Neighborhood Residential
360733510081	Neighborhood Residential

Section 3: Subject to any applicable exemptions, all property within the area described in Section 1 herein shall be assessed and taxed at the same rate and on the same basis as other property in the City of Walla Walla is assessed and taxed subject to any applicable exemptions. Subject to any applicable exemptions, all property within the area described in Section 1 herein shall be assessed and taxed at such rate and basis to pay for any outstanding indebtedness of the City of Walla Walla contracted prior to, or existing at, the date of annexation.

Section 4: The annexation of the territory described in Section 1 herein shall cancel, as of the effective date of such annexation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such territory, authorizing or otherwise permitting the operation of any public utility, including but not limited to, public electric, water, transportation, garbage disposal, solid waste collection, or other similar public service business or facility within the limits of the annexed territory.

A. The holder of any such franchise or permit canceled pursuant to this section is forthwith granted by the City of Walla Walla a franchise to continue such business within the annexed territory for a term which shall expire upon the earliest of either (a) the purchase by the City of Walla Walla of said franchise, business, or facilities at an agreed or negotiated price, (b) the expiration of the remaining term of the original franchise or permit, or (c) the expiration of one hundred thirty-eight (138) months following the effective date of annexation. This franchise shall be exclusive except nothing herein shall prevent the City of Walla Walla from extending similar or competing services to the annexed territory by franchise, permit or public operation upon a proper showing of the inability or refusal of the franchisee to adequately service said annexed territory at a reasonable price.

B. The City of Walla Walla hereby decides to contract for solid waste collection or provide solid waste collection itself pursuant to RCW 81.77.020 as of the effective date of annexation. The Walla Walla City Clerk is hereby directed to notify the State of Washington Utilities and Transportation Commission, in writing, of the City of Walla Walla's decision to contract for solid waste collection or provide solid waste collection itself pursuant to RCW 81.77.020 as of the effective date of annexation and to attach a copy of this ordinance to such notification.

C. Terms and conditions of solid waste collection franchises. The following terms and conditions apply to solid waste collection franchises:

1. Franchisees must notify the City of Walla Walla in writing of any change in physical business address, business mailing address, or business telephone number. The notice must be filed at least ten days before the effective date of the change.

2. Franchisees must keep and maintain records as provided in Washington Administrative Code Section (WAC) 480-70-061. Franchisees must adhere to accounting requirements of WAC 480-70-066. Franchisees must file with the City of Walla Walla, by no later than May 1 of each year, a complete, accurate, annual report showing an end-of-the-year summary of financial and operational activity of franchisee in the annexed territory. Each franchisee shall make its records available for inspection by the City of Walla Walla.

3. Franchisees shall maintain insurance in a form and amount as provided in WAC 480-70-181 which covers each motor vehicle it operates in the annexed territory.

4. Franchisees shall comply with WAC 480-70-191, WAC 480-70-196, WAC 480-70-201, WAC 480-70-206 and WAC 480-211 with respect to their equipment and drivers.

5. Franchisees shall comply with biomedical waste and hazardous waste rules and regulations promulgated by the State of Washington Utilities and Transportation Commission.

6. Customers in the annexed territory shall be subject to the same rates, charges, customer notice requirements, and consumer rules which apply to the franchisee's customers in unincorporated areas of Walla Walla County.

7. Franchisees shall pay a franchise fee to the City of Walla Walla at a rate of one percent of the franchisee's annual gross operating revenue for the annexed territory. Franchise fees must be paid to the City of Walla Walla by April 1 of each year. The franchise fees shall be used to cover the costs of regulating franchisee.

8. Franchisees shall comply with all federal, state, and local rules and regulations. The terms and conditions of this franchise do not relieve any franchisee from any of its duties or obligations under the laws of the United States, the State of Washington, Walla Walla County, or the City of Walla Walla. The City of Walla Walla reserves and retains the authority to impose additional or different requirements on any solid waste collection company in appropriate circumstances, consistent with the requirements of law.

9. WAC 480-70-041 is hereby incorporated for the definition of terms used in the Washington Administrative Code, and the City of Walla Walla adopts by reference the regulations and standards identified in WAC 480-70-999.

10. Any amendment of the rules and regulations referenced in this franchise grant shall be deemed to amend the tenors hereof in conformity therewith.

11. Noncompliance with any of the terms or conditions of this franchise shall be deemed to be an inability or refusal of the franchisee to adequately service the annexed territory at a reasonable price.

Section 5: The Walla Walla City Clerk is directed to file a certified copy of this ordinance with the Board of Commissioners for Walla Walla County as provided in RCW 35A.14.140.

Section 6: Certificates of annexation shall be submitted as provided in RCW 35A.14.700.

Section 7: The Walla Walla City Clerk is directed to file, record, and give notice of this ordinance in such manner as required by law.

Section 8: The Walla Walla City Clerk is directed to publish a summary of this ordinance as permitted by RCW 35A.13.200 and 35A.12.160.

Section 9: The surcharge for sewer service imposed by Walla Walla Municipal Code § 13.03.620 and the surcharge for water service imposed by Walla Walla Municipal Code § 13.04.360 shall be discontinued in the area annexed by Section 1 herein by September 1, 2020.

Section 10: Annexation shall become effective on September 1, 2020.

Section 11: If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance and the application of the provision to other persons or circumstances shall not be affected.

PASSED by the City Council of the City of Walla Walla, Washington, this 12th day of August, 2020.

Mayor

Attest:

Approved as to form:

City Clerk

City Attorney

ORDINANCE SUMMARY 2020-XX

AN ORDINANCE ANNEXING APPROXIMATELY 17 ACRES BEING GENERALLY LOCATED SOUTH OF ABBOTT ROAD, EAST OF FERN AVENUE, AND NORTH RESER ROAD, TO THE CITY OF WALLA WALLA AND TAKING SUCH OTHER ACTION RELATED THERETO

The Walla Walla City Council passed Municipal Ordinance 2020-XX at its August 12, 2020 regular meeting which in summary provides as follows:

Section 1: Annexes property to the City of Walla Walla legally described as follows:

Beginning at the Northwest corner of lot 1 of the Garden Gates PUD as shown on plat recorded as Auditor's file no. 2012-01364 in Plat Book 7 at page 61 on 2/17/2012 in Walla Walla County, Washington;

thence S 01°36'47" E, along the Westerly boundary of said Garden Gates PUD, a distance of 484.00 feet to the Southwest corner thereof, said corner being on the South line of Tract 35 as shown on the Abbott Acre Tract Addition recorded in plat volume "D" at page 21 on 10/11/1907 in Walla Walla County, Washington;

thence, along the South line of said Tract 35, S 88°24'01" W a distance of 240.50 feet to the Northeast corner of the Carmella Short Plat, recorded as Auditor's File no. 2005-13152 in Short Plat Book 4 at page 190 on 10/20/2005 in Walla Walla County, Washington;

thence, along the Easterly boundary of said Carmella Short Plat and along the Easterly boundary of Parcel "A" as shown on survey recorded as Auditor's File no. 2005-02008 in Survey Book 9 at page 197 in Walla Walla County, Washington, S 16°22'23" W a distance of 706.14 feet to the Northeast corner of Parcel "B" of short plat recorded as Auditor's file no. 1991-04590 in Short Plat volume 2 at page 159;

thence, along the North line of said Parcel "B", N 73°37'37" W a distance of 102.02 feet to the Northwest corner thereof;

thence, along the West line of said Parcel "B", S 16°32'23" W a distance of 141.22 feet to the North right of way of Reser Road;

thence, Westerly along the North right of way of Reser Road, S 88°26'44" W a distance of 155.58 feet to the intersection of the North right of way of Reser Road and the East right of way of Fern Avenue;

thence, continuing along a prolongation of the North right of way of Reser Road, S 88°26'44" W a distance of 137.32 feet to the West right of way of Fern Avenue;

thence, northerly along the West right of way of Fern Avenue, N 01°26'48" W a distance of 22.60 feet;

thence, along the West right of way of Fern Avenue, with a non-tangent curve turning to the left with an arc length of 138.44 feet, with a radius of 129.08 feet, with a delta angle of 61°27'02", with a chord bearing of N 29°27'53" E, with a chord length of 131.90 feet;

thence, continuing along the West right of way of Fern Avenue, N 01°15'38" W a distance of 12.63 feet;

thence, continuing along the West right of way of Fern Avenue, N 88°34'49" E a distance of 29.79 feet;

thence, continuing along the West right of way of Fern Avenue, with a non-tangent curve turning to the left with an arc length of 54.21 feet, with a radius of 692.65 feet, with a delta angle of 04°29'03", with a chord bearing of N 00°45'12" E, with a chord length of 54.20 feet;
thence, continuing along the West right of way of Fern Avenue, N 01°29'19" W a distance of 619.43 feet;
thence, continuing along the West right of way of Fern Avenue, with a curve turning to the right with an arc length of 54.08 feet, with a radius of 2322.00 feet, with a delta angle of 01°49'17", with a chord bearing of N 00°49'17" E, with a chord length of 54.08 feet;
thence, continuing along the West right of way of Fern Avenue, N 01°28'25" W a distance of 362.26 feet to the intersection of the West right of way of Fern Avenue and the South right of way of Abbott Road from the West side of Fern Avenue;
thence, along a prolongation of the West right of way of Fern Avenue, N 01°28'25" W a distance of 29.96 feet to the intersection of the prolongation of the West right of way of Fern Avenue and a prolongation of the South right of way of Abbott Road from the East side of Fern Avenue;
thence, along the prolongation of the South right of way of Abbott Road from the East side of Fern Avenue, N 88°23'14" E a distance of 79.30 feet to the intersection of the South right of way of Abbott Road from the East side of Fern Avenue and the East right of way of Fern Avenue;
thence, continuing along the South right of way of Abbott Road, N 88°23'14" E a distance of 709.88 feet;
thence, continuing along the South right of way of Abbott Avenue, S 01°36'47" E a distance of 10.00 feet to the point of beginning;

having an area of 715623 square feet, 16.43 acres

Section 2: Adopts various zoning designations consistent with the land use designation identified in the Walla Walla 2040 Comprehensive Plan and provides that the property is subject to City zoning regulations.

Section 3: Provides that the annexed property shall be assessed and taxed at the same rate and on the same basis and subject to municipal indebtedness as other property in the City of Walla Walla is assessed and taxed subject to any applicable exemptions.

Section 4: Cancels and grants franchises in the annexed area upon certain terms and conditions.

Section 5: Directs the Walla Walla City Clerk to file a certified copy of this ordinance with the Board of Commissioners for Walla Walla County as provided in RCW 35A.14.140.

Section 6: Certificates of annexation shall be submitted as provided in RCW 35A.14.700.

Section 7: Directs the Walla Walla City Clerk to file, record, and give notice of this ordinance in such manner as required by law.

Section 8: Directs the Walla Walla City Clerk to publish a summary of this ordinance as permitted by RCW 35A.13.200 and 35A.12.160.

Section 9: The surcharge for sewer service imposed by Walla Walla Municipal Code § 13.03.620 and the surcharge for water service imposed by Walla Walla Municipal Code § 13.04.360 shall be discontinued in the area annexed by Section 1 herein by September 1, 2020.

Section 10: Annexation becomes effective on September 1, 2020.

Section 11: Provides for severability if any provision of this ordinance or its application to any person or circumstances is held invalid.

The full text of Municipal Ordinance 2020-XX will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. 3rd Avenue, Walla Walla, WA 99362

Summary approved as to form:

City Attorney