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ORDINANCE NO. 95-777

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AN ORDINANCE REGARDING THE ANNEXATION OF  
UNINCORPORATED TERRITORY TO THE CITY OF BATTLE  
GROUND, WASHINGTON, AND FIXING ITS ZONE FOR  
LAND USE.

WHEREAS, the City of Battle Ground, Washington, received a notice of intent to annex certain real property, and the City Council of the City of Battle Ground determined that a petition for annexation of said property would be accepted and was processed as AX 1-94; and,

WHEREAS, a petition for annexation requesting the City of Battle Ground City Council to annex the said real property was received by the City of Battle Ground and a petition was duly signed by the owners of more than sixty percent (60%) in value according to the assessed value for general taxation of said area; and,

WHEREAS, the City Council of the City of Battle Ground pursuant to RCW 35A.14.130, fixed the date for public hearing upon the annexation and caused notice to be published and posted as required by law, and the public hearing was had before the City Council on September 21, 1995, where proponents and opponents were heard and the hearing was closed; and,

WHEREAS, two public hearings regarding zoning for the proposal were held pursuant to RCW 35A.14.340 on August 7, 1995, and September 21, 1995; and,

WHEREAS, the Mayor of the City of Battle Ground made a final declaration of non-significance for said area and a notice of determination of non-significance has been circulated for comment and no negative comments have been received; and,

WHEREAS, this matter has been submitted to the Clark County Boundary Review Board for the State of Washington pursuant to RCW 35A.14.160 and RCW 36.93.090, and said Boundary Review Board did not invoke jurisdiction; now, therefore,

THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON,  
DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. There has been filed with the City Council of the City of Battle Ground a petition signed in writing by the owners of more than sixty percent (60%) in value according to the assessed valuation for general taxation of the property for which annexation is petitioned; and that said petition set forth the fact that the City Council of the City of Battle Ground required the land proposed to be annexed will be assessed and taxed to pay their portion of existing indebtedness which had been incurred prior to the annexation and will be assessed and taxed at the same rate and on the same basis as current residents within the city; and that petitioners further understood that the zoning of said area will be accomplished through RCW 35A.14.330.

Section 2. Thursday, September 21, 1995, was set as the date for public hearing on said petition; notice of such hearing was published in a newspaper of general circulation within the City of Battle Ground; notice of such hearing was posted in three (3) public places within the territory proposed for annexation; said notice specified the time and place of such hearing and invited interested persons to appear and voice approval or disapproval to the annexation.

Section 3. After consideration of the land use in the following described area, the City of Battle Ground proposed Comprehensive Plan, the per capita assessed evaluation, the availability of municipal services and the probable future need for such services, it was determined that the annexation of the real property described in Exhibit "A" would be in the public interest and for the public welfare. It was further determined that this action is not an action which would significantly adversely affect the quality of the environment.

Section 4. The land proposed by said petition may be annexed to said City of Battle Ground is situated in the County of Clark, State of Washington, is contiguous and proximate and adjacent to the present corporate limits of said city as more particularly described in Exhibit "A," attached hereto and incorporated in full by this reference.

Section 5. The property, as set forth in Exhibit "A" and for which the petition for annexation is filed, shall be and is hereby made a part of the City of Battle Ground and annexed thereto.

Section 6. Pursuant to the terms of the annexation petition, all property within this territory annexed hereby shall be assessed and taxed at the same rate and on the same basis as the property within the City of Battle Ground, including assessments or taxes in payment of any bond issued or debts contracted by order existing at the time of annexation.

Section 7. In accordance with RCW 35A.14.330, the area hereby annexed shall receive zoning classifications such that all property described in Exhibit "A," attached hereto and by reference made a part hereof, shall be designated and classified as R1-7.5 (Residential Single Family). The foregoing classification and designation are based on the following findings:

a. The area is within the urban growth area of the Comprehensive Plan adopted in 1995 as part of the growth management process. It is designated in the Comprehensive Plan as Residential Urban Low Density.

b. The proposed annexation is approximately 64 acres northwest of the existing city limits from State Highway 503 (Lewisville Road) on the east to N.E. 112th Avenue on the West. It extends from the city limits on the south to approximately 230th Street as extended on the north.

c. The proposed annexation area is designated low-

density urban residential in Clark County's Comprehensive Plan and is zoned by the county as R1-7.5.

d. The site is mostly vacant but has three existing houses. Some of the property is wooded.

e. There are no drainage basins. Drainage flows southwesterly from .05-3.0 percent. Drainage is to be engineered at the time of residential development as low-density single-family homes. The available information does not indicate the presence of wetlands or other sensitive lands within the proposed annexation area.

f. The proposed annexation is limited within the city's water service area established by the Clark County Coordinated Water System Plan of 1983. It should be noted, however, that until the newly completed well in the southwest quadrant of the city is permitted that the level of service of water to the annexed area is limited.

g. The city's general sewer plan is based upon providing urban level sanitary sewer service to the area. It should be noted, however, that until the trunk line north on SR-503 is perfected the adequacy of the sewer system is limited.

h. It is in the best interests of the City of Battle Ground and its citizens and, in keeping with the public health, safety and welfare of the city, said annexation should be approved.

Section 8. The City Clerk is hereby directed to file with the Board of County Commissioners of Clark County a certified copy of this Ordinance. The City Clerk is further directed to file with the Office of Financial Management a certificate as required by RCW 35A.14.700 within thirty (30) days of the effective date of annexation.

Section 9. This Ordinance shall become effective upon publication of this Ordinance pursuant to law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF BATTLE GROUND, WASHINGTON, THIS 21<sup>ST</sup> DAY OF SEPTEMBER, 1995.

Approved:

Marvin E. Brothers  
Marvin E. Brothers, Mayor

Attest:

Judie Kastner  
Judie Kastner, City Clerk

Ayes: Peteren Brown, Connor Barry, Williams, West, Canley

Nays: None

Absent: None

Abstain: None

Approved as to form:

Brian H. Wolfe  
Brian H. Wolfe  
City Attorney

CERTIFIED LEGAL DESCRIPTION  
OF LAND TO BE ANNEXED

The north half of the north half of the southwest quarter of Section 34, and the east 30 feet of the north half of the north half of the southeast quarter of Section 33, and the south 400 feet of the northwest quarter of Section 34, and the east 30 feet of the south 400 feet of the northeast quarter of Section 33; all in Township 4 North, Range 2 East, Willamette Meridian, in the county of Clark, state of Washington.



EXHIBIT 'A'