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ORDINANCE NO. 94-244

CLARK CO. DEPT.
of Assessment & Mapping

**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 1-93; 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 July 5, 1994, 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 July 5, 1994 and September 6, 1994; 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 has 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 and that this area was outside the 1981 Comprehensive Plan for the City of Battle Ground.

Section 2. Tuesday, July 5, 1994, 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 Exhibits "A" and "B" 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" and "B," attached hereto and incorporated in full by this reference.

Section 5. The property, as set forth in Exhibit "A" and "B" 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 C-2 (General Commercial); and all property which is described in Exhibit "B," attached hereto and made a part hereof, shall be designated and classified as RD (Residential Duplex). The foregoing classifications and designations are based on the following findings:

a. Most of the site is presently undeveloped and has recently been logged. There are wetlands across the midsection of Exhibit "B";

b. The property in Exhibit "A" adjacent to State Route 502 (West Main) has had some minor commercial activities. It is

designated as "Highway Commercial" under the present county zoning code;

c. The proposed parcels are both within the Interim Urban Growth Boundary adopted by the City of Battle Ground and Clark County in September 1993;

d. The capacity of the water and sewer facilities existing at the intersection 112th Avenue and West Main will need to be increased to provide adequate levels of urban service to the proposed annexation area;

e. The proponents have submitted a Concomitant Rezone Agreement in which they have covenanted and agreed that, if the property is designated for RD (Residential Duplex) use, they will create not more than sixty-five single-family lots and that no lot shall be less than 6,000 square feet in area;

f. Applicants have also covenanted that they will provide a wetlands delineation and will provide a drainage and runoff plan to assure mitigation of drainage and runoff;

g. 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 6th DAY OF SEPTEMBER, 1994.

Approved:

Marvin E. Brothers
Marvin Brothers, Mayor

Attest:

Judie Kastner
Judie Kastner, City Clerk

Ayes: Correy Wert Peterson Canley Lewis Brown

Nays: ~~Peterson~~

Absent: Condon

Abstain: Dope

Approved as to form:

Brian H. Wolfe
Brian H. Wolfe
City Attorney

LEGAL DESCRIPTIONS
for the
EAGLE RIDGE DEVELOPMENT CORP. ANNEXATION

C-2 Zone

EXHIBIT "A"

The west 330 feet of the north 660 feet of the northeast quarter of the northeast quarter of Section 4, Township 3 North, Range 2 East, Willamette Meridian, in the County of Clark, State of Washington.

RD Zone

EXHIBIT "B"

The northeast quarter of the northeast quarter of Section 4, Township 3 North, Range 2 East, Willamette Meridian, in the County of Clark, State of Washington.

Except the north 40 rods thereof.

