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**CITY OF FIRCREST
ORDINANCE NO. 1612**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY, IDENTIFIED AS THE “62ND AVENUE WEST AND 44TH STREET WEST POTENTIAL ANNEXATION AREA” INTO THE CITY OF FIRCREST, PURSUANT TO REVISED CODE OF WASHINGTON (RCW) 35A.14.460, PROVIDING FOR THE ASSUMPTION OF INDEBTEDNESS AND ZONING REGULATIONS, PROVIDING FOR ADDRESSING, AND PROVIDING FOR THE EFFECTIVE DATE OF THE ANNEXATION.

WHEREAS, *Vision 2040* includes a goal that unincorporated lands within urban growth areas will be annexed into existing cities; and

WHEREAS, the Pierce County Regional Council was created in 1992 by an interlocal agreement among Pierce County and the cities and towns of Pierce County, and charged with responsibilities, including, but not limited to: serving as a local link to the Puget Sound Regional Council, promoting intergovernmental cooperation, facilitating compliance with the Growth Management Act and the Multi-County Planning Policies, and developing a consensus among jurisdictions regarding the development and modification of the Countywide Planning Policies (CPPs); and

WHEREAS, the Pierce County CPPs are written policy statements that are to be used solely for establishing a countywide framework from which the County and County municipal comprehensive plans are developed and adopted; and

WHEREAS, the Pierce County CPPs identify unincorporated “islands” as the highest priority for annexation; and

WHEREAS, RCW 35A.14.460 allows Pierce County to enter into an interlocal agreement with a city to annex an area within its Potential Annexation Area (PAA) when at least sixty percent (60%) of the boundary of the area is contiguous with a city; and

WHEREAS, RCW 35A.14.460(1) allows either the legislative body of a county or code city to initiate an annexation process by adopting a resolution commencing negotiations for an interlocal agreement; and

WHEREAS, the City hosted, and county staff attended, a public open house on the proposed annexation on October 5, 2016; and

WHEREAS, the City of Fircrest City Council passed Resolution 1451 on October 25, 2016, directing City staff to negotiate an interlocal agreement with Pierce County to annex properties within its designated Potential Annexation Area; and

1 **WHEREAS**, FMC 12.26.010 allows the City Council to determine whether roadways
2 in areas annexed subsequent to 1996 shall retain their Pierce County street name and
3 addressing number; and

4 **WHEREAS**, the City has determined having one road split with two names (Rainier
5 Street and 60th Avenue Court West), would be detrimental to providing effective and
6 timely provision of emergency medical and law enforcement services; and

7 **WHEREAS**, the Planning Commission held a public hearing on September 5, 2017;
8 and

9 **WHEREAS**, RCW 35A.14.460 requires a public hearing to be held by each
10 legislative body, separately or jointly, before the agreement is executed; and

11 **WHEREAS**, RCW 35A.14.460 requires that each legislative body holding a public
12 hearing shall, separately or jointly, publish the agreement at least once a week for two
13 weeks before the date of the hearing in one or more newspapers of general circulation
14 within the territory proposed for annexation; and

15 **WHEREAS**, the proposed annexation agreement was published twice, on September
16 21, 2017 and September 28, 2017 in the Tacoma Daily Index; and

17 **WHEREAS**, the City Council held a public hearing on October 10, 2017, notifying all
18 affected property owners and tenants; and

19 **WHEREAS**, on October 10, 2017, the City Council adopted Resolution 1495
20 authorizing the City Manager to sign the Annexation Interlocal Agreement and
21 Memorandum of Understanding related to the transfer of governmental services; and

22 **WHEREAS**, The City Council adopted Ordinance 1603 establishing pre-annexation
23 land use designation of Single Family Residential and a zoning classification of
24 Residential- 4; and

25 **WHEREAS**, the City Council has determined that the proposed annexation will be
26 consistent with the goals, objectives and policies of the City of Fircrest
27 Comprehensive Plan and that the proposed annexation will promote, rather than
28 detract from, the public health, safety, morals and general welfare by incorporating the
29 urban growth area into the City of Fircrest to better serve it with public facilities and
30 services. Now, Therefore,

31 **THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS**
32 **FOLLOWS:**

Section 1. The real property within the “62nd Avenue West and 44th Street West
Potential Annexation Area” described in Exhibit ‘A’ and depicted on Exhibit ‘B’
attached hereto and incorporated herein by reference, is hereby annexed to the City of
Fircrest pursuant to RCW 35A.14.460.

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Section 2. Said annexed property shall be subject to the City of Fircrest Comprehensive Plan and Zoning Code (FMC Title 22) and shall be designated in the Official Zoning Map as set forth in Ordinance No. 1603.

Section 3. Said annexed property shall be addressed as described in Exhibit ‘C.’

Section 4. All properties within the territory hereby annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Fircrest, including all indebtedness existing as of the effective date of the annexation.

Section 5. Notice of the effective date of the annexation, together with a description of the property to be annexed, shall be published at least once each week for two weeks subsequent to passage of this ordinance as required by RCW 35A.14.460.

Section 6. Severability. If any section, sentence, clause or phrase of this title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this title.

Section 7. Publication and Effective Date. This ordinance shall be effective forty-five (45) days from the date that the Interlocal Annexation Agreement approved under Resolution 1495 is fully executed by Pierce County and the City of Fircrest, as required by law. A summary, including the effective date, will be published as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, at a regular meeting thereof this 12th day of December 2017.

APPROVED:

Hunter George, Mayor

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney