

ORDINANCE NO. 2021-16

AN ORDINANCE ANNEXING APPROXIMATELY 17.35 ACRES BEING GENERALLY LOCATED ON BERNEY DRIVE AND NORTH OF PLEASANT STREET, TO THE CITY OF WALLA WALLA AND TAKING SUCH OTHER ACTION RELATED THERETO

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on 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 the property owners of intent to annex territory consisting of property, being generally located on Berney Drive and north of Pleasant Street consisting of approximately 11.2 acres; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2021-19 at its regular meeting on February 24, 2021 setting April 14, 2021 as the date for meeting with property owners to determine whether the city would accept, reject, or geographically modify the proposed annexation; and

WHEREAS, Walla Walla City Council passed Resolution No. 2021-58 at its April 14, 2021 regular meeting determining that it will accept and geographically modify the annexation boundary to include additional properties north of Pleasant Street, properties adjacent to Berney Drive and additional public road right of way for a total of approximately 17.35 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 April 26, 2021; and

WHEREAS, the Walla Walla City Council passed Resolution 2021-74 at its regular meeting on May 26, 2021 setting June 23, 2021 as the public hearing date to consider the annexation; and

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

WHEREAS, the Walla Walla City Council conducted a public hearing at its June 23, 2021 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 a point 589.28 feet South and 309.25 feet East of the Northwest corner of the Northeast Quarter of Section 27 in Township 7 North, of Range 36 East of the Willamette Meridian; thence North 597.50 feet; thence East 355.12 feet to the West line of County Road; thence Southeasterly along the West line of said County Road to the point due East of the Point of Beginning, thence west to the Point of Beginning. Situated in County of Walla Walla, State of Washington.

Lots 1, 2, 3, 4, 5, 6 in Block 3 of Island Park Addition, according to the official plat thereof of record in the office of Auditor of Walla Walla County, Washington, in Volume G of Plats at Page 15. Together with all that portion of Hillsdale Place that would attach by operation of law, vacated under Auditors File No. 8003763, in Volume 122 at Page 1002, records of the Auditor of Walla Walla County, State of Washington. Situated in County of Walla Walla, State of Washington.

All of Lot 22 and the east 25 feet of Lot 21 in Block 4 of First Addition to the East Walla Walla, according to the official plat thereof of record in the Office of the Auditor of Walla Walla County, Washington, in Volume D of Plat 9. Situated in County of Walla Walla, State of Washington.

Lot 23 and 24 in Block 4 of First Addition to the East Walla Walla, according to the official plat thereof of record in the Office of the Auditor of Walla Walla County, Washington, in Volume D of Plats at Page 9. Situated in County of Walla Walla, State of Washington.

Lot 25 and 26 in Block 4 of First Addition to the East Walla Walla, according to the official plat thereof of record in the Office of the Auditor of Walla Walla County, Washington, in Volume D of Plats at Page 9. Situated in County of Walla Walla, State of Washington.

Commencing at a point 563.14 feet south of the Quarter Section Corner of the line between Sections 22 and 27 in Township 7 North, Range 36, East of the Willamette Meridian, and running thence East 308.65 feet; thence North 281 feet; thence West 308.65 feet, thence South 281 feet to the point of beginning. Excepting any portion lying with Ernest Street on the West.

Beginning at the Northeast corner of the Northwest Quarter of the Northeast Quarter of 27 in Township 7 North, Range 36, East of the Willamette Meridian, and running thence North 00 10' West, along the East line of the Southwest Quarter of the Southeast Quarter of Section 22 in said Township and Range, a distance of 25.55 feet; thence South 48 15' West 186.43 feet to the point of intersection with a line drawn parallel to and 260.40 feet Northeasterly, measured a right angles, from the Easterly right of way line of Permanent Highway No. 15-A, said point being the True Point of Beginning for this description; from said true point of beginning run thence South 48 15' West 290.40 feet, more or less, to a point in the center line of the right of way of said Permanent Highway No. 15-A, thence North 41 45' West, along the center line of said Highway, a distance of 150 feet; thence North 48 15 East 290.40 feet, more or less, to a point which is North 41 45' West 150.00 feet from the true point of beginning, thence South 41 45' East 150.00 feet to the true point of beginning. Subject to the existing public road.

Lot 7 and 8 in Block 3 of Island Park Addition according to the according to the official plat thereof of record in the Office of the Auditor of Walla Walla County, Washington, in Volume G of Plats at Page 15.

The public right of way of Pleasant Street, consisting of the easterly 1445 feet of right of way of Pleasant Street, beginning at the eastern city limit boundary, according to annexation Ordinance A-3355, dated November 5, 1984, east to the intersection of Pleasant Street and Berney Drive .

The public right of way of Ernst Street, north of Pleasant Street.

The public right of way of Berney Drive, consisting of the southeasterly 595 feet of right of way of Berney Drive, beginning at the southeasterly city limit boundary, according to annexation Ordinance A-3614, dated November 11, 1989, southeast to the intersection of Pleasant Street and Berney Drive.

**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:

<b>Parcel Number</b>	<b>Zoning Designation</b>
360727540422	Neighborhood Residential
360727540423	Neighborhood Residential
360727540425	Neighborhood Residential
360727120010	Neighborhood Residential
360727120007	Neighborhood Residential
360727120012	Neighborhood Residential
360722530316	Neighborhood Residential
360722530315	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:** 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 23rd day of June, 2021.

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Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney



## ORDINANCE SUMMARY 2021-16

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The Walla Walla City Council passed Municipal Ordinance 2021-16 at its June 23, 2021, regular meeting which in summary provides as follows:

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

Beginning at a point 589.28 feet South and 309.25 feet East of the Northwest corner of the Northeast Quarter of Section 27 in Township 7 North, of Range 36 East of the Willamette Meridian; thence North 597.50 feet; thence East 355.12 feet to the West line of County Road; thence Southeasterly along the West line of said County Road to the point due East of the Point of Beginning, thence west to the Point of Beginning. Situated in County of Walla Walla, State of Washington.

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from the Easterly right of way line of Permanent Highway No. 15-A, said point being the True Point of Beginning for this description; from said true point of beginning run thence South 48 15' West 290.40 feet , more or less, to a point in the center line of the right of way of said Permanent Highway No. 15-A, thence North 41 45' West, along the center line of said Highway, a distance of 150 feet; thence North 48 15 East 290.40 feet, more or less, to a point which is North 41 45' West 150.00 feet from the true point of beginning, thence South 41 45' East 150.00 feet to the true point of beginning. Subject to the existing public road.

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**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:** 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 2021-16 will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. 3<sup>rd</sup> Avenue, Walla Walla, WA 99362

Summary approved as to form:

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City Attorney