

ORDINANCE NO. 2021-07

AN ORDINANCE ANNEXING APPROXIMATELY THREE (3) ACRES BEING GENERALLY LOCATED WEST OF COTTONWOOD ROAD AND SOUTH OF RANSOM ROAD 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 west of Cottonwood Road and south of Ransom Road and consisting of approximately 2.56 acres; and

WHEREAS, the Walla Walla City Council passed Resolution No. 2020-113 at its regular meeting on November 18, 2020 setting January 13, 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. 2021-07 at its January 13, 2021 regular meeting determining that it will accept and geographically modify the annexation boundary to include an additional public right of way of Ransom Road for a total of approximately three (3) 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 February 1, 2021; and

WHEREAS, the Walla Walla City Council passed Resolution 2021-26 at its regular meeting on March 10, 2021 setting May 12, 2021 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 three 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 May 12, 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:

Commencing at a point which is determined as follows: by starting at the Northeast corner of the Ransom Clark Donation Claim in Section 3 in Township 7 North, of Range 36 East of the Willamette Meridian; running thence South 30 Degrees West 716.1 feet, along the East boundary of said Donation Claim; thence West 41.92 feet from the point so determined run West 296 feet to a cobblestone marked "X"; thence North 11 Degrees West 30.8 feet; thence North 66 degrees East 215 feet; thence South 41 degrees 52 feet East 158 feet to the point of beginning. Also,

Commencing at a point on the East line of the Ransom Clark Donation Claim 10.85 chains South of the Northeast corner of said Donation Claim; thence South 10.30 chains; thence West 5.17 chains to the section line Section 32 and 33 in Township 7 North, of Range 36 East of the Willamette Meridian; thence North 10.30 chains; thence East 5.16 chains to the point of beginning. Also, Commencing at the point 75.9 feet South of the Southeast corner of Block 18 of the Ransom Clark Donation Claim, according to the official plat thereof of record in the office of the Auditor of Walla Walla County, Washington, and running thence West a distance of 66 feet; thence North, parallel to the East Line of Block 18 of said Ransom Clark Donation Claim, 5.26 chains to the South bank of the South channel of Yellow Hawk Creek; thence up the said bank of said creek to the East line of Block 18; thence South along the East line of Block 18 and 19 of said Donation Claim to the point of beginning.

Excepting therefrom the following described tract, to-wit:

Beginning at a point in the East line of the Ransom Clark Donation Claim, according to the official plat of record in the office of the Auditor of Walla Walla County, Washington, which point is 1395.9 feet South, measured along said East line, from the Northeast corner of said Donation Claim; and running thence West 407.22 feet; thence North, parallel to the East line of Block 18 of said Donation Claim, a distance of 347.16 feet, more or less, to the South bank of the South channel of Yellow Hawk Creek; thence Northeasterly, along said creek bank to a point in a line drawn parallel to and 1034.0 feet South of the North line of said Donation Claim, thence East, along said parallel line, a distance of 395.0 feet, more or less, to the East line of said Donation Claim; thence South on said East line a distance of 361.9 feet to the point of beginning.

The public right of way of Ransom Road, consisting of the easterly 385 feet of right of way of Ransom Road, to the centerline of Cottonwood Road.

**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
360732510002	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.

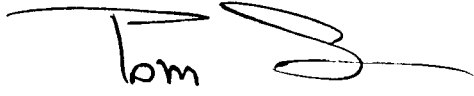
**Section 6:** Certificates of annexation shall be submitted as provided in RCW 35A.14.700.

**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 12<sup>th</sup> day of  
May, 2021.

  
\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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