

ORDINANCE NO. 4920

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON ANNEXING PARCELS 12364, 448533, 13144, 525136, 548633, 956844, 558633, 136833, 688633, 668633, 858633, 658633, 538633, 086833, 096833, 296833, 838633, 848633, 408533, 428533, 418533, 438533, 728633, and 718633 TO THE CITY OF ELLENSBURG, WASHINGTON, ASSIGNING LIGHT INDUSTRIAL ZONING CLASSIFICATION, PROVIDING FOR THE PROPORTIONAL ASSUMPTION OF EXISTING CITY INDEBTEDNESS AND FIXING A TIME WHEN THE SAME SHALL BE EFFECTIVE.

WHEREAS, on March 6, 2023, the City of Ellensburg, Washington received a notice of intention to commence annexation proceedings pursuant to the “direct petition” method of RCW 35A.14.120 for parcels 12364, 448533, 13144, 525136, 548633, 956844, 558633, 136833, 688633, 668633, 858633, 658633, and 538633, as more fully described in Section 1 of this Ordinance and depicted in Exhibit A, attached hereto; and

WHEREAS, to avoid creation of new unincorporated islands within the City of Ellensburg’s Urban Growth Area, Community Development Staff added eleven (11) adjacent parcels to the proposal. These parcel numbers include 086833, 096833, 296833, 838633, 848633, 408533, 428533, 418533, 438533, 728633, and 718633; and

WHEREAS, on March 20, 2023, the City Council of the City of Ellensburg, Washington held a public meeting with the annexation initiators pursuant to RCW 35A.14.120. and determined that the initiators could proceed to acquire a 60% petition for annexation pursuant to RCW 35A.14.120; and

WHEREAS, at its March 20, 2023, public meeting the City Council set the annexation area by adding eight (8) additional parcels, 086833, 096833, 296833, 408533, 428533, 418533, 438533, and 718633 to the annexation area to avoid creating unincorporated islands with the City’s Urban Growth Area (UGA); and

WHEREAS, City Council further determined at the March 20, 2023 meeting that five (5) of the added parcels, 408533, 428533, 418533, 438533, and 718633, would be designated at a Residential-Medium zoning designation, the remaining parcels subject to annexation would be zoned Light Industrial, and all twenty-one (21) parcels would assume the annexation area’s proportional share of City indebtedness; and

WHEREAS, subsequent to the March 20, 2023 meeting, City staff determined that three additional parcels, 838633, 848633 and 728633, which are contiguous to the annexation area, should be added to the annexation to prevent them from becoming unincorporated islands in the City’s UGA; and

WHEREAS, staff have determined that the City's Future Land Use map in the Comprehensive Plan does not support Residential Medium (R-M) zoning for the five (5) parcels originally recommended for such zoning, and they should not be included with the other twenty-one (21) parcels for Industrial Light (I-L) zoning; and

WHEREAS, the owners of not less than 60% in value, according to the assessed valuation for general taxation of the property hereinafter described, signed the petition pursuant to RCW 35A.14.120 for the annexation of said area to the City of Ellensburg, Washington; and

WHEREAS, the petition for annexation was certified as sufficient by the Kittitas County Assessor, on April 26, 2023. City staff determined that the petition signatures have a combined total assessed value for general taxation of not less than 60% of the total assessed value for general taxation of all property in the proposed annexation area, in compliance with RCW 35A.01.040; and

WHEREAS, the City provided public notice of the petition for annexation and has provided an opportunity for comment thereon by all interested citizens at a duly called and noticed public hearing; and

WHEREAS, on June 8, 2023, pursuant to proper notice given in accordance with RCW 35A.14.130, the Planning Commission conducted a public hearing on the proposed annexation, and following such hearing recommended City Council approve the annexation request with pre annexation letters provided to affected property owners; and

WHEREAS, on June 20, 2023 and August 7, 2023, pursuant to proper notice given in accordance with RCW 35A.14.130, the City Council received and reviewed all of the documentation associated with this annexation proposal, conducted public hearings on the proposed annexation in accordance with RCW 35A. 14.140 and RCW 35A.14.330-.340, and following such hearings determined to effect the annexation of the territory described in Section 1 of this ordinance, finding that the petition for annexation met the applicable requirements, and that the best interests of the City of Ellensburg, Washington, will be served by the annexation and that it is appropriate to good government of the City of Ellensburg, Washington, and therefore accepted the petition for annexation pursuant to RCW 35A.14.120 and Chapter 15.360 of the Ellensburg City Code; and

WHEREAS, the territory described in Section 1 of this ordinance is contiguous to the City of Ellensburg, Washington and entirely within the City of Ellensburg Urban Growth Area established pursuant to RCW 36.70A.110,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Annexation. The following described parcel and rights-of-ways are hereby annexed to and made a part of the City of Ellensburg, Washington, to wit:

1. Parcel Number: 12364
Acres: 7.66
Legal Description: ACRES 7.66, CD. 7955-1; SEC. 3, TWP. 17, RGE. 18, PTN. S $\frac{1}{2}$ SE $\frac{1}{4}$ LYING SWLY OF I-90
2. Parcel Number: 448533
Acres: 51.17
Legal Description: ACRES 51.17, CD. 8075; SEC. 10, TWP. 17, RGE. 18; PTN NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ TAX #7, 8, & PTN 9 LESS .26 RD R/W; NE $\frac{1}{4}$ PTN TAX #1 & 2; LESS 9.70 @ INTERSTATE 90; LESS .26 @ CO RD
3. Parcel Number: 13144
Acres: .73
Legal Description: Acres .73. CS/ 8075-3; SEC. 10, TWP. 17, RGE. 18; PTN NE $\frac{1}{4}$ PTN TAX #1 & 2 (MUST BE SOLD WITH PARCEL 17-18-10010-0024)
4. Parcel Number: 525136
Acres: 1.53
Legal Description: Acres 1.53, CD. 8075-1; PTN SE $\frac{1}{4}$ NE $\frac{1}{4}$ LYING NLY DAMMAN RD (MUST BE SOLD WITH PARCEL 17-18-10010-00026) SEC. 10, TWP. 17, RGE. 18
5. Parcel Number: 548633
Acres: 8.2
Legal Description: Acres 8.2, CD. 8152; SEC. 11; TWP. 17; RGE. 18; NW $\frac{1}{4}$ TAX NO. 6
6. Parcel Number: 956844
Acres: 7.84
Legal Description: Acres 7.84; PTN SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 2 & PTN NE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 11, T17R18; SEC 11, TWP 17, RGE 18
7. Parcel Number: 558633
Acres: 9.25
Legal Description: Acres 9.25; CD. 8149; PTN NE $\frac{1}{4}$ NW $\frac{1}{4}$; SECT 11, TWP 17, RGE 18
8. Parcel Number: 136833
Acres: 1.86
Legal Description: Acres 1.86, CD. 7898; SEC. 2; TWP. 17; RGE. 18; SW $\frac{1}{4}$ TAX NO. 32 (OUT OF TAX 11)
9. Parcel Number: 688633
Acres: 13.42
Legal Description: Acres 13.42, CD. 8150; SEC. 11, TWP 17, RGE. 18; PTN. NW $\frac{1}{4}$ NW $\frac{1}{4}$

10. Parcel Number: 668633
Acres: .39
Legal Description: Acres 0.39; CD # 8155; NW 1/4 TAX NO 10; SEC 11, TWP 17, RGE 18
11. Parcel Number: 858633
Acres: .67
Legal Description: Acres .67, TEETER SHORT PLAT 78-12 LOT 3; SEC. 11; TWP. 17; RGE 18
12. Parcel Number: 658633
Acres: 1.25
Legal Description: Acres 1.25, CD. 8158; SEC. 11; TWP. 17; RGE. 18; NW 1/4 TAX NO. 15 (OUT OF TAX 13)
13. Parcel Number: 538633
Acres: 1.25
Legal Description: Acres 1.25, CD. 8157; SEC. 11; TWP. 17; RGE. 18; PTN. NW 1/4 (TAX 13)
14. Parcel Number: 086833
Acres: 1.25
Legal Description: ACRES 1.25, CD. 7897; SEC. 2; TWP. 17; RGE. 18; SW 1/4 TAX NO. 30 (OUT OF TAX 11)
15. Parcel Number: 096833
Acres: 1.16
Legal Description: ACRES 1.16, CD. 7888; SEC. 2; TWP. 17; RGE. 18; SW 1/4 SW 1/4 TAX 36
16. Parcel Number: 296833
Acres: 1.1
Legal Description: ACRES 1.10, CD # 7887; SEC. 2; TWP. 17; RGE. 18; SW 1/4 SW 1/4 TAX NO. 11
17. Parcel Number: 838633
Acres: 1.00
Legal Description: ACRES 1.00, TEETER SHORT PLAT 78-12 LOT 1 SEC. 11; TWP. 17; RGE. 18
18. Parcel Number: 848633
Acres: .60
Legal Description: ACRES .60, TEETER SHORT PLAT 78-12 LOT 2 SEC. 11; TWP. 17; RGE. 18
19. Parcel Number: 408533
Acres: .80
Legal Description: ACRES .80, CD. 8084; SEC. 10; TWP. 17; RGE. 18; NE 1/4 TAX NO. 20

20. Parcel Number: 428533
Acres: .08
Legal Description: ACRES .08, CD. 8085-A; SEC. 10; TWP. 17; RGE. 18; NE 1/4 TX 22 (OUT OF TX 21)
21. Parcel Number: 418533
Acres: 1.13
Legal Description: ACRES 1.13, CD. 8082; SEC. 10, TWP. 17, RGE. 18; NE 1/4 TAX NO. 17; LESS .97 S.R. 90
22. Parcel Number: 438533
Acres: .16
Legal Description: ACRES .16; CD 8085; SEC 10; TWP 17; RGE 18; NE 1/4 TAX NO. 21 LESS TAX 22 LESS .16 S.R. 90
23. Parcel Number: 728633
Acres: .03
Legal Description: ACRES .03, CD # 8153-1; SEC. 11; TWP. 17; RGE. 18 PTN. NW ¼
24. Parcel Number: 718633
Acres: .46
Legal Description: ACRES .46, CD. 8153; SEC. 11; TWP. 17; RGE. 18; NW 1/4 TAX NO. 7

Including all rights-of-way adjacent to said parcels pursuant to RCW 35A.14.410.

Section 2. Assessment and Taxation. All property within the territory so annexed shall be assessed and taxed at the same rate and on the same basis as other property of the City of Ellensburg, Washington is assessed and taxed to pay for any outstanding indebtedness of the City of Ellensburg, Washington as presently adopted or as is hereafter amended.

Section 3. Comprehensive Plan Designation. All property within the territory so annexed shall be subject to and a part of the Comprehensive Plan of the City of Ellensburg, Washington as presently adopted or as is hereinafter amended.

Section 4. Land Use Designation and Zoning. All property within the territory so annexed shall be hereby zoned as follows: Kittitas County Assessor Parcel Numbers 12364, 448533, 13144, 525136, 548633, 956844, 558633, 136833, 688633, 668633, 858633, 658633, 538633, 086833, 096833, 296833, 838633, 848633, 408533, 428533, 418533, 438533, 728633, and 718633 shall be zoned Light Industrial (I-L).

Section 5. Transmittal and Filing. The Ellensburg City Clerk is directed to file a certified copy of this ordinance with the Kittitas County Board of County Commissioners.

Section 6. Severability. If any portion of this ordinance is declared invalid of unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 7. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, sections/subsections numbers and any references thereto.

Section 8. Effective Date. This ordinance shall take effect and be in full force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 7th day of August 2023.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4920 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4920 was published as required by law.