

## ORDINANCE NO. 1144

**AN ORDINANCE OF THE CITY WINLOCK, WASHINGTON, ANNEXING APPROXIMATELY ONE THOUSAND THREE HUNDRED AND FIFTY-FIVE (1,355) ACRES, KNOWN AS THE CITY OF WINLOCK ANNEXATION, INTO THE CITY PURSUANT TO RCW 35A.14.120; ASSIGNING ZONING AND COMPREHENSIVE PLAN DESIGNATIONS UPON ANNEXATION; REQUIRING ASSUMPTION OF A PROPORTIONATE SHARE OF CITY INDEBTEDNESS AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Winlock City Council (Council) last adopted amendments to its Comprehensive Plan in June 2019, which plan establishes the planning goals, policies, and implementation strategies for the Winlock Urban Growth Area (UGA) pursuant to Chapter 36.70A RCW; and

**WHEREAS**, Chapter 2.3 of the Land Use Element to Winlock's Comprehensive Plan calls on the city to evaluate future annexations and Countywide Planning Policy (CPP) 1.4 establishes that "[p]rior to annexation of an urban growth area or a portion thereof to the respective City, development within adopted urban growth boundaries shall conform to the respective city's urban development standards as established through inter-local agreements;" and

**WHEREAS**, in June of 2006, the City of Winlock entered into an Interlocal Cooperation Agreement with Lewis County based on the city's long-term goal of annexation, which agreement established regulatory responsibilities consistent with CPP 1.4 for how land use, development and building regulations would be applied in the unincorporated UGA, as well as the terms and conditions under which the city would agree to annex, including that the city would annex all reasonably related and abutting properties so as to not create islands or peninsulas of unincorporated areas surrounding; and

**WHEREAS**, in December 2021, the Council authorized Winlock's Mayor to sign a Professional Services Contract with Toyer Strategic Advisors, Inc., to assist the City with analyzing annexations of its unincorporated UGA and to support the processing of one or more annexation petitions; and

**WHEREAS**, on March 4, 2022, the City received a petition seeking annexation of the City's unincorporated UGA and representing more than 10 percent the assessed valuation; and

**WHEREAS**, on March 28, 2022, the Council considered the 10 percent annexation petition and unanimously approved Resolution No. 2022-05 acknowledging the receipt of a letter of intent to petition for annexation pursuant to RCW 35A.14.120; modifying the boundaries of the proposed annexation area to exclude parcels split by the UGA boundary because they would be split by the municipal boundary; confirming the predesignated zoning and comprehensive plan designations upon annexation; requiring assumption of a proportionate share of the city's indebtedness; and authorizing the circulation of a 60 percent annexation petition to annex; and

**WHEREAS**, on May 2, 2022, the City mailed a letter explaining the proposed annexation and providing a copy of the 60 percent petition, including legal descriptions and maps of the annexation area, to the owners of record for each parcel within the proposed annexation area; and

**WHEREAS**, in June 2022, the City received signed petitions representing in excess of 60 percent of the assessed valuation within the annexation area, which petitions were forward to and certified by the Lewis County Assessor, who issued a sufficiency certification letter on August 5, 2022, indicating a total assessed valuation of \$204,046,600.00 as of the time of the certification; and

**WHEREAS**, a properly noticed public hearing, pursuant to RCW 35A.14.130, was held on August 22, 2022, and all persons who wished to provide testimony were heard; and

**WHEREAS**, on August 22, 2022, the city council approved Resolution 2022-07, accepting the 60 percent annexation petition for the Winlock UGA pursuant to RCW 35A.14.120; providing notice of intent to annex to the Lewis County Boundary Review Board; confirming application of the existing City future land use and zoning designations applied to the unincorporated area; and requiring assumption of a proportionate share of city indebtedness; and

**WHEREAS**, the City of Winlock filed a full and complete "Notice of Intent to Annex" (NOI) with the Washington State Boundary Review Board of Lewis County ("Boundary Review Board") on September 28; and

**WHEREAS**, on November 17, 2022, the City Council held an additional duly noticed public meeting on the annexation to provide an update on the annexation process and accept additional public comments; and

**WHEREAS**, on December 2, 2022, the Chief Clerk for the Washington State Boundary Review Board for Lewis County confirmed that on December 1, 2022, the Board had accepted the City's Notice of Intention on December 1, 2022, collected the \$50.00 filing fee, and issued the proposed annexation file number MSC 22-0127; and

**WHEREAS**, on January 12, 2023, the Washington State Boundary Review Board for Lewis County distributed its Notice of Intention to Annex to affected government agencies and interested parties, which notice provided forty-five (45) days in which affected parties could invoke the jurisdiction of the Board to review the annexation; and

**WHEREAS**, on February 27, 2022, the Lewis County Board of Commissioners submitted a letter invoking the jurisdiction of the Washington State Boundary Review Board for Lewis County; and, separately, on February 28, 2022, the Lewis County Auditor certified a petition from Interested Citizens invoking jurisdiction; and

**WHEREAS**, on January 30, 2023, the City received an email from the Office of Financial Management (OFM) indicating that parcels numbered 6, 46, 47 and 49 on Exhibits C-1 and C-4 may have minor errors, as the result of subsequent parcel boundary changes (e.g., lot line adjustments or platting) or scriveners' errors; and

**WHEREAS**, the City of Winlock acknowledges there have been boundary changes within the annexation areas since the certification of the 60 percent petition and submission of the NOI and attests that any such changes do not impact the perimeter boundaries of the annexation areas nor the legal descriptions of the boundaries for the areas being annexed; and

**WHEREAS**, as the result of the jurisdiction of the Washington State Boundary Review Board for Lewis County being invoked, the Board held a public hearing on August 3, 2023, to accept testimony and ask questions of representatives from the City of Winlock, the parties who invoked the Board's jurisdiction, and all persons present (in-person and online) who wished to provide testimony; and

**WHEREAS**, after conducting their deliberations on August 4, 2023, the Washington State Boundary Review Board for Lewis County unanimously found the annexation was consistent with the annexation factors required to be considered under RCW 36.93.170, the objectives of the boundary review board under RCW 36.93.180, and requirements of the Growth Management Act RCW 36.93.157, which findings the Board subsequently adopted by Resolution 2023-02, attached hereto as Exhibit M, during an open public meeting on August 7, 2023, entering a written decision in the matter and sending the Winlock Annexation back to the City Council of Winlock for final consideration; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINLOCK DO HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Annexation.** The property as legally described and depicted in attached Exhibits A through K, which includes a corrected scrivener's error for parcel number #6 as listed

on Exhibit C-4, shall hereby be annexed into the City of Winlock.

**SECTION 2. Effective Date.** The annexation shall become effective October 1, 2023.

**SECTION 3. Corrections.** Upon approval of the City Attorney, the City Clerk and codifiers of this ordinance shall be authorized to make necessary corrections to this Ordinance and Exhibits, including but not limited to, the correction of any scriveners/clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

**SECTION 4. Indebtedness.** The annexation area as described and depicted in Exhibits A through K shall be required to assume its proportionate share of the general indebtedness of the City of Winlock at the time of the effective date of such annexation.

**SECTION 5. Land Use.** The annexation area described in attached Exhibits A and K shall retain the land use and zoning designations as permitted by the Winlock Comprehensive Plan and Official Winlock Zoning Map consistent with the 2006 Interlocal Cooperation Agreement. The zoning is hereby depicted in Exhibit L, attached.

**SECTION 6. Severability.** If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

**SECTION 7. Publication.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City of Winlock.

**SECTION 8. Transmittals.** Upon passage of this ordinance, certified copies shall be transmitted to the Clerk of the Lewis County Board of Commissioners as required by RCW 35A.14.140 and to the Washington State Boundary Review Board of Lewis County. Further, within 30 days of the effective date of this ordinance, the annexation shall be formally submitted to the Washington State Office of Financial Management (OFM).

**SECTION 9. Notice to Department of Revenue.** In accordance with RCW 82.14.055, the City Clerk shall provide the Department of Revenue (DOR) with the required 75-day notice.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WINLOCK, WASHINGTON, AND APPROVED BY THE MAYOR OF THE CITY OF WINLOCK, WASHINGTON, AT A REGULARLY SCHEDULED OPEN PUBLIC MEETING THEREOF, THIS 11th DAY OF SEPTEMBER, 2023.**

CITY OF WINLOCK

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BRANDON SVENSON, MAYOR

**ATTEST:**

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PENNY JO HANEY, CITY CLERK

**APPROVED AS TO FORM:**

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MARISSA Y. JAY, CITY ATTORNEY