

RECORD AND RETURN TO:
City of Newport
200 S. Washington Ave.,
Newport, WA 99156

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MARIANNE NICHOLS, AUDITOR, PEND OREILLE COUNTY, WA
FILED BY: CITY OF NEWPORT

CITY OF NEWPORT, WASHINGTON

ORDINANCE NO. 2110

AN ORDINANCE UNDER RCW 35A.14.420 THROUGH RCW 35A.14.450 PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY TO THE CITY OF NEWPORT, WASHINGTON; COMMONLY KNOWN AS THE "QUAIL ANNEXATION"; PROVIDING FOR THE ASSUMPTION OF EXISTING INDEBTEDNESS; ADOPTING THE COMPREHENSIVE LAND USE PLAN AND ZONING DESIGNATION

WHEREAS, the City of Newport received several petitions to annex multiple parcels owned by various property owners totaling 18.76 acres of developed and undeveloped residential land within Pend Oreille County (hereinafter collectively the "Quail Annexation"), lying contiguous to the City's boundary and located within the Newport Urban Growth Area;

WHEREAS, the real property proposed to be annexed consists of multiple tax parcels: #453113430004; #453113430002; #453113510055; #453113510054; #453113510053; #453113510051; #453113510052; #453113620057; #453113620056; #453113510060; #453113510059; #453113510058; #453113510061; #453113510062; #453113510044; #453113510064; #453113420002; #453113420001;

WHEREAS, the Quail Annexation applications included the request to designate the zoning of the annexed property as Residential Multifamily (R-2), consistent with the City Comprehensive Plan future land use designation of Single Family Residential, and consistent with the current Pend Oreille County zoning designation;

WHEREAS, RCW 35A.14.420 allows for annexation by the Alternative Direct Petition Method where the owners of not less than 10% of the acreage proposed to be annexed notify the City Council in writing of their intent to start annexation proceedings, and the City received applications consistent with RCW 35A.14.420;

WHEREAS, RCW 35A.14.420-.450 requires an initial hearing by City Council which must occur within 60 days after receipt of the notice of intent to start annexation proceedings whereby the City Council takes action to either accept, reject, or geographically modify the proposed area of annexation;

WHEREAS, on September 6, 2022, the City Council reviewed the area-wide annexation request and took action to commence the process of annexation investigation to review concurrency, level of service, agency review, and public notice.

WHEREAS, on October 4, 2022, an agency referral memorandum was sent out, with comments due on October 20, 2022; at the same time public notice was sent to adjacent property owners within 300 feet and to appropriate state, local, and federal agencies with a comment window of November 23 through December 9, 2022, in advance of a public hearing before the City Planning Commission;

WHEREAS, the Planning Commission, after required public notice, held a public hearing on December 12, 2022 at 5:30 pm in the Newport City Hall Conference room and via ZOOM to receive public input on the proposed annexation;

WHEREAS, public comment received during the hearing of the Planning Commission related to the City's determination of which parcels to include or exclude in the area-wide annexation, with one property owner voicing an objection to his parcel being included (Parcel No. 453113510062 owned by Richard Monroe) and formally requesting his parcel be excluded from annexation proceedings;

WHEREAS, as a result of property owner Monroe's request, the Planning Commission recommended to the City Council to approve the annexation with the exception of the Monroe property;

WHEREAS, the City Council, after required public notice, held a public hearing on February 6, 2023 at 6:00pm in the Council Chambers of Newport City Hall to receive public input on the proposed annexation;

WHEREAS, no further public comment was provided during the City Council meeting on February 6, 2023;

WHEREAS, City Staff recommended approval of the annexation in full, including the Monroe property, and to zone to Residential Multifamily (R-2) with the following conditions:

1. **Sewer:** At the time of a future development submittal, the applicant will be required to analyze and financially contribute to sewer improvements associated with the proposal. Improvements will be identified at that time.
2. **Water:** The applicant shall propose a looped system at the time of future development submittals, sizing will be determined based on number of units.
3. **Transportation:** The applicant shall make improvements in accordance with the City streets and utilities standards, or as amended. This will include but not be limited to paved travel lanes, swales and drainage, walking paths or sidewalks, and general road improvements. At the time of development submittals, a traffic memo and analysis shall be submitted to the City.
4. **Open Space/ Parks:** Future development shall address recreation and open spaces in accordance with adopted Comprehensive Plan and Parks Plan.
5. **Environmental Review:** The applicant shall be responsible for permits through the Department of Ecology, Department of Natural Resources, and other appropriate State entities. At a minimum, future plans must be compliant and approved through the Water Quality Program; Water Resources Program and obtain approvals through the State Environmental Policy Act (SEPA).
6. **Cultural Resources:** The applicant shall evaluate the needs for a cultural resources plan as part of future developments, and at a minimum prior to any permits and approvals shall consult with local tribes and have an inadvertent discovery plan in place.
7. **Existing Developed Properties:** Existing developed properties will be 'grandfathered' and can remain served by existing infrastructure such as wells and septic systems, as appropriate. However, no new wells or septic systems will be permitted in the annexation area. If a property owner subdivides, adds units, or upgrades existing systems these must tie into city infrastructure and conform with adopted city standards and regulations.

WHEREAS, the City Council deems the annexation of the area-wide Quail Annexation, including the Monroe property, to the City of Newport and designation of said annexed property as Residential Multifamily (R-2) to be in the best interest of the City and its citizens;

NOW, THEREFORE, The City Council of the City of Newport, Washington, do ordain as follows:

Section 1: The foregoing recitals are incorporated into this Ordinance as if set forth herein full.

Section 2: That the real estate situated in Pend Oreille County, contiguous to the City of Newport, as depicted in the map included in **Exhibit A** is hereby annexed to and incorporated in the City of Newport:

Section 3: All real property annexed shall hereinafter be assessed and taxed at the same rate and on the same basis as the other real property within the City to pay for any outstanding indebtedness of the City of Newport including indebtedness contracted prior to or existing at the date of annexation. No real property herein annexed shall be released from any outstanding indebtedness levied against it prior to said annexation.

Section 4: That a copy of this ordinance together with the map depicting the real property to be annexed in **Exhibit A** shall be recorded and filed with the Pend Oreille County Auditor, the Pend Oreille board of commissioners per RCW 35A.14.440, and other local and state offices in the manner required by law.

Section 5: That the annexed real property is hereby made subject the City of Newport's Comprehensive Plan, Zoning Code, and general Municipal Code.

Section 6: That the annexed real property is zoned Residential Multifamily (R-2) as set forth in the City's Zoning Code and subject to the provisions of the City's Zoning Code.

Section 7: This Ordinance shall be published in the official newspaper of the City of Newport after passage.

Section 8: The provisions of this Ordinance are declared separate and severable. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 9: This ordinance shall take effect and be in full force five (5) days after passage and publication, as provided by law.

PASSED by the City Council of the City of Newport, Washington, this 6th day of February, 2023.



KEITH CAMPBELL, MAYOR

ATTEST:


NICKOLE NORTH, CITY CLERK

Approved as to form:

OFFICE OF THE CITY ATTORNEY

By: *Megan Clark*
MEGAN C. CLARK, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

2/21/2023
2/21/2023
3/01/2023
3/06/2023
2110

