

ORDINANCE #592

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, ANNEXING PARCEL 229863000, BEING ROUGHLY 1.9 ACRES OF UNINCORPORATED LAND LOCATED ADJACENT TO THE WEST BOUNDARY OF THE TOWN; ASSIGNING A RESIDENTIAL R1-12.5 ZONING CLASSIFICATION TO THE PROPERTY; REQUIRING THE LAND TO BE ASSESSED AND TAXED AT THE SAME RATE AND ON THE SAME BASIS AS OTHER PROPERTY WITHIN THE TOWN; REQUIRING ASSUMPTION OF A PROPORTIONATE SHARE OF TOWN INDEBTEDNESS; EXTENDING THE TOWN'S EXISTING COMPREHENSIVE PLAN TO THE ANNEXED PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE AND SUMMARY PUBLICATION

Whereas, Shirley Ann Keller, (“Keller”), is the owner of a certain parcel of real property in Clark County, Washington, located at 25115 N.E. WH Garner Road, said parcel being legally described on Exhibit A and depicted on Exhibit B, (hereafter the “Property”);

Whereas, on or about April 23, 2023, Keller provided written notice of her intent to annex the Property to the Town using the 60% petition method described in RCW 35.13.125;

Whereas, pursuant to RCW 35.13.125, the Town Council held a meeting on June 12, 2023 with the initiating parties within sixty days after filing the notice of intent to annex to determine whether the Town would accept, reject, or geographically modify the proposed annexation, whether it would require the simultaneous adoption of a comprehensive plan, and whether it would require the assumption of all or any portion of existing municipal indebtedness;

Whereas, the Town Council adopted Resolution #614 on June 12, 2023, authorizing the circulation of a 60% petition for annexation and designating comprehensive plan, zoning, and other conditions for the proposed annexation;

Whereas, Keller submitted a Petition for Annexation on June 20, 2023, requesting the annexation to the Town of the territory which is the subject of this Ordinance;

Whereas, the Town submitted the Petition for Annexation to the Clark County Assessor on June 26, 2023, for a determination of sufficiency;

Whereas, on July 13, 2023, the Clark County Assessor indicated the Petition contained a valid signature representing more than the required 60% of the total assessed value of the Property and provided a Certification of Sufficiency for the Petition pursuant to RCW 35.21.005(4);

Whereas, on Monday, August 14, 2023, the Town Council held a public hearing on the proposed annexation;

Whereas, notice of the public hearing on the proposed annexation was published and posted as required by law;

Whereas, the Property is contiguous to the Town of Yacolt and entirely within the Town’s Urban Growth Area, representing a logical extension of the corporate limits of the Town;

Whereas, the matter was duly considered by the Town Council, and the Council has determined that the annexation would be of general benefit to the residents of the Town of Yacolt; and,

Whereas, the Town Council of the Town of Yacolt is in regular session this 14th day of August, 2023, and all members of the Town Council have had notice of the time, place, and purpose of said meeting:

NOW THEREFORE, be it Ordained by the Town Council of the Town of Yacolt, Washington:

Section 1 - Adoption of Recitals: The foregoing Recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2 - Annexation: The Property for which the Petition results were certified, as described in Exhibit A and depicted in Exhibit B attached hereto and incorporated herein, shall be and is hereby made a part of the Town of Yacolt and annexed thereto, and the corporate limits of the Town of Yacolt shall include the Property and territory therein described.

Section 3 - Consistency with Comprehensive Plan: All property within the territory so annexed shall be subject to and a part of the Comprehensive Plan of the Town of Yacolt, Washington, as presently adopted or as hereafter amended. The Urban Growth Area [UGA] boundary of the Comprehensive Plan and associated Figures and Maps shall be amended to reflect incorporation of the annexed Property.

Section 4 - Land Use Designation and Zoning: The annexed Property shall be zoned “urban low density residential” pursuant to the Town’s current Urban Growth Area map, (Exhibit C), with specific zoning of “R1-12.5 - Single-Family Residential” under Chapter 18.25 of the Yacolt Municipal Code. The Property annexed by this Ordinance shall be subject to all development regulations of the Town of Yacolt in effect at the time of annexation.

Section 5 - Assessment and Taxation: All property within the territory hereby annexed shall be assessed and taxed at the same rate and on the same basis as other property within the Town of Yacolt, including all indebtedness existing as of the effective date of the annexation.

Section 6 - Costs of Public Notice: The costs of publishing and posting the notice for this annexation shall be borne by the Petitioners pursuant to RCW 35.13.140.

Section 7 - Yacolt Municipal Code: This Ordinance #592 is a special Ordinance of the Town of Yacolt and therefore shall not result in any amendment to the Yacolt Municipal Code.

Section 8 - Instructions to the Clerk: The Town Clerk is directed to perform the following tasks:

- a). Cause notice of the adoption of this Ordinance to be published forthwith in the Town’s official newspaper pursuant to Section 11 below;
- b). Upon the Effective Date of this Ordinance, the Town Clerk is directed to send a copy hereof to Code Publishing Company of Seattle, Washington;
- c). File a certified true copy of this Ordinance with the Clark County Board of Commissioners, the Clark County Assessor, and such other departments and offices as may be required; and,
- d). Promptly post a copy of this Ordinance on the Town’s website for public inspection.

Section 9 - Severability: The provisions of the Ordinance are declared to be separate and severable. The invalidity of a clause, sentence, paragraph, subdivision, section or portion of this Ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

Section 10 - Ratification and Confirmation of Prior Acts: All acts taken by Town officers and staff prior to the enactment of this Ordinance that are consistent with and in furtherance of the purpose or intent of this Ordinance are hereby ratified, approved and confirmed by the Town Council.

Section 11 - Effective Date and Publication of Summary: This Ordinance shall take effect immediately upon adoption and publication according to law. Notice of this Ordinance may be provided by publication of the following summary in the Town's official newspaper:

Town of Yacolt - Summary of Ordinance #592

The Town Council of the Town of Yacolt adopted Ordinance #592 at its regularly scheduled Town Council meeting held on August 14, 2023. The content of the Ordinance is summarized in its title as follows: "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, ANNEXING PARCEL 229863000, BEING ROUGHLY 1.9 ACRES OF UNINCORPORATED LAND LOCATED ADJACENT TO THE WEST BOUNDARY OF THE TOWN; ASSIGNING A RESIDENTIAL R1-12.5 ZONING CLASSIFICATION TO THE PROPERTY; REQUIRING THE LAND TO BE ASSESSED AND TAXED AT THE SAME RATE AND ON THE SAME BASIS AS OTHER PROPERTY WITHIN THE TOWN; REQUIRING ASSUMPTION OF A PROPORTIONATE SHARE OF TOWN INDEBTEDNESS; EXTENDING THE TOWN'S EXISTING COMPREHENSIVE PLAN TO THE ANNEXED PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE AND SUMMARY PUBLICATION".

The effective date of the Ordinance is August 23, 2023. A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 23rd day of August, 2023.
Yacolt Town Clerk.

PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 14th day of August, 2023.

TOWN OF YACOLT

Katelyn J. Listek, Mayor

Attest:

Stephanie Fields, Town Clerk

Approved as to Form:

David W. Ridenour, Town Attorney

Ayes: _____
Nays: _____
Absent: _____
Abstain: _____

TOWN CLERK’S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #592 of the Town of Yacolt, Washington, entitled “AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, ANNEXING PARCEL 229863000, BEING ROUGHLY 1.9 ACRES OF UNINCORPORATED LAND LOCATED ADJACENT TO THE WEST BOUNDARY OF THE TOWN; ASSIGNING A RESIDENTIAL R1-12.5 ZONING CLASSIFICATION TO THE PROPERTY; REQUIRING THE LAND TO BE ASSESSED AND TAXED AT THE SAME RATE AND ON THE SAME BASIS AS OTHER PROPERTY WITHIN THE TOWN; REQUIRING ASSUMPTION OF A PROPORTIONATE SHARE OF TOWN INDEBTEDNESS; EXTENDING THE TOWN’S EXISTING COMPREHENSIVE PLAN TO THE ANNEXED PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE AND SUMMARY PUBLICATION”, as approved according to law by the Yacolt Town Council on the date therein mentioned.

Attest:

Stephanie Fields, Town Clerk

Published: _____
Effective Date: August 23, 2023
Ordinance Number: 592

EXHIBIT A

Legal Description of the Annexed Property

Legal Description: The following described real property, situated in the County of Clark, State of Washington:

That portion of the Northeast quarter of the Northeast quarter of Section 3, Township 4 North, Range 3 East of the Willamette Meridian described as follows:

Beginning at the Northeast corner of said Section 3; thence West 227 feet; thence South 330 feet; thence East 227 feet; thence North 330 feet to the point of beginning; containing 2 acres, more or less, together with adjacent right-of-way of Yacolt Road.

Clark County Tax Assessor's Parcel Number: 229863000

Abbreviated Legal Description: #22 SEC 3 T4N R3E WM 1.72A

Property Address:

25115 N.E. WH Garner Road
Yacolt, WA 98675