

ORDINANCE NO. 2775

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON, providing for the annexation of certain real property known as the Heartland Meadows Annexation Area, subject to assumption of indebtedness, and adopting preannexation zoning controls for such property as provided in PMC 20.05.050.

WHEREAS, the matter at issue in this ordinance, known as the “Heartland Meadows Annexation,” has been processed under the new “double petition” method of annexation, found in Substitute Senate Bill 5409, enacted by the Washington Legislature during its 2003 Regular Session and effective as of May 16, 2003; and

WHEREAS, Section 10 of SSB 5409 adds a new section to Chapter 35A.14 RCW that is applicable to noncharter code cities such as the City of Puyallup, authorizing proceedings for annexation to begin upon the filing of a written notification of intent to commence an annexation process from any initiating party or parties who are the owners of not less than ten percent of the acreage of the area for which annexation is sought; and

WHEREAS, having received a legally sufficient request to commence annexation proceedings from an individual who owns well in excess of ten percent (10%) of the acreage of the Annexation Area, the Puyallup City Council passed Resolution No. 1800 on June 2, 2003, authorizing circulation of annexation petitions in an area known as the Heartland Meadows Annexation Area; declaring the City Council’s intent to annex such Area; and directing the City’s Administration to prepare and file a Notice of Intent to Annex with the Pierce County Boundary Review Board, seeking the Board’s approval pursuant to the provisions of Chapter 36.93 RCW; and

WHEREAS, following passage of Resolution No. 1800, the annexation proponents presented the City with petitions reflecting the signatures of parties who own more than fifty percent (50%) of the acreage of the Heartland Meadows Annexation Area; and

WHEREAS, on October 28, 2003, the Pierce County Auditor, officially certified the sufficiency of petitions filed in the Heartland Meadows Annexation matter, finding that the parties signing the petitions were the majority of the registered voters in the area proposed for annexation; and

WHEREAS, on December 8, 2003, the Pierce County Assessor-Treasurer, officially certified the sufficiency of petitions filed in the Heartland Meadows Annexation matter, finding that the parties signing the petitions were the owners of a majority of the acreage of the area proposed for annexation; and

WHEREAS, the Annexation Area is just over eight (8) acres of unincorporated Pierce County, contiguous to and generally located immediately west of existing city limits along 94th Ave E and Ninth St SW; and

WHEREAS, the Heartland Meadows Annexation Area is situated within the City of Puyallup's designated Urban Service Area, sometimes referenced as the City's Urban Growth Area, and Pierce County's overlapping Comprehensive Urban Growth Area; and

WHEREAS, consistent with preannexation zoning adopted for the West Hills area through Ordinance No. 2773, the City Council finds that the annexation area should be zoned RS-10 at the time of annexation; and

WHEREAS, Puyallup City utilities, police, fire and other services are adequate and available to support the area upon annexation; and

WHEREAS, the proposed annexation is consistent with the intent and purpose of the Growth Management Act, which reads in relevant part: "[i]n general, cities are the units of local government most appropriate to provide urban governmental services." RCW 36.70A.110(4); and

WHEREAS, the City of Puyallup seeks to fulfill its obligations and responsibilities under the Growth Management Act through annexation of the Heartland Meadows Area; and

WHEREAS, December 8, 2003 was the deadline set by the Boundary Review Board for interested parties to invoke jurisdiction of the Board and challenge the proposed annexation, and, because the deadline passed without the Board's jurisdiction having been invoked, the proposed annexation is deemed approved by the Board as provided in RCW 36.93.100; and

WHEREAS, consistent with Section 11 of SSB 5409, by regular motion adopted at its regular meeting on December 15, 2003, the City Council will set a public hearing on the subject of this ordinance to occur at its regular meeting on January 5, 2004, and such hearing was duly noticed by the City Clerk through publication in a newspaper of general circulation in the city and the proposed annexation area, and through posting of a hearing notice in three (3) public places within the territory proposed for annexation, which notices specified the time and place of the hearing and invited interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, the City Council will conduct its public hearing on the subject of this ordinance during its regular meeting on January 5, 2004, and all persons wishing to be heard or submit written comments will be afforded an opportunity to do so; and

WHEREAS, the City Council has been fully advised and finds that all statutory requirements have been satisfied in order to accomplish the proposed annexation;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PUYALLUP ORDAINS AS FOLLOWS:

Section 1. **Annexation of the Heartland Meadows Area.** The real property known as the Heartland Meadows Annexation Area, which is more particularly described on Exhibit “A”, a copy of which is attached hereto and incorporated by this reference as if set forth in full, is hereby annexed to and made a part of the City of Puyallup.

Section 2. **Assumption of Existing City Indebtedness.** Pursuant to the terms of the annexation petition and consistent with Resolution No. 1800, upon annexation, all property within the Heartland Meadows Annexation Area shall be assessed and taxed at the same rate and on the same basis as other property within the City of Puyallup including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted, incurred prior to, or existing on the date of annexation.

Section 3. **Zoning Controls Adopted for Annexation Area.** Under authority of RCW 35A.14.330, and consistent with the West Hills Pre-annexation Ordinance No. 2773, all property within the territory annexed by this ordinance is hereby zoned RS-10 and shall be subject to all development regulations of the City of Puyallup in effect at the time of annexation.

Section 4. **Duties of the City Clerk.** Upon passage of this annexation ordinance, the City Clerk is directed to file a certified copy of such document with the Pierce County Council and the Boundary Review Board. The Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35A.14.700.

Section 5. **Contemporaneous Updates.** The City’s Comprehensive Plan and zoning map are hereby amended to conform to the annexation approved in this ordinance.

Section 6. **Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with the other provisions of the Puyallup Municipal Code, this ordinance is deemed to control.

Section 7. Effective Date. This Ordinance, being the exercise of a power specifically delegated to the legislative body of the City of Puyallup, is not subject to referendum, and shall take effect from and after its passage five (5) days after publication, which date shall be Tuesday, January 13, 2004.

PASSED by the City Council of the City of Puyallup this 5th day of January 2004 and signed in authentication thereof this 5th day of January 2004.

Kathy R. Turner, Mayor

ATTEST:

Barbara J. Price, City Clerk

APPROVED AS TO FORM:

Gary N. McLean, City Attorney

Published: January 8, 2004

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Exhibit “A”

Legal Description

Heartland Meadows Annexation

The Plat of Heartland Meadows described as a Replat of a portion of Tract 3 and a portion of Tract 4 of Puyallup Fruitland and Garden Tracts, a portion of the NE ¼ of the NW ¼ of Section 4, Township 19 North, Range 4 East of the WM, Pierce County, Washington as recorded in Pierce County, Washington under AFN#200209165002.