

**ORDINANCE NO. 2774**

**AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON**, providing for the annexation of certain real property known as the Puyallup Highlands Annexation Area, subject to assumption of indebtedness, and adopting interim zoning controls for such property as provided in RCW 35A.63.220.

**WHEREAS**, the matter at issue in this ordinance, known as the “Puyallup Highlands 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 in excess of ten percent (10%) – and in fact owns more than fifty percent (50%) – of the acreage of the Annexation Area, the Puyallup City Council passed Resolution No. 1796 on June 2, 2003, authorizing circulation of annexation petitions in an area known as the Puyallup Highlands 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. 1796, the annexation proponents presented the City with petitions reflecting the signatures of parties who own *more than* sixty percent (60%) of the acreage of the Puyallup Highlands Annexation Area, far more than the fifty percent (50%) required by SSB 5409; and

**WHEREAS**, on October 21, 2003, the Pierce County Assessor-Treasurer, officially certified the sufficiency of petitions filed in the Puyallup Highlands 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**, although SSB 5409 also requires petitions from a majority of the registered voters residing in the Annexation Area, as of the date the City filed its Notice of Intent to Annex with the Pierce County Boundary Review Board, election officials from the Pierce County Auditor’s Office confirm that there were not, and in fact are not now, any voters registered as residing in the Annexation Area. Accordingly, Section 10(3) of SSB 5409 allows the proposed annexation to be accomplished through the petitions of owners alone; and

**WHEREAS**, the Annexation Area is just over 116 acres of unincorporated Pierce County, contiguous to and generally located south of East Pioneer Way (as it is called by the

City of Puyallup) and north of the Crystal Ridge subdivision. It includes a portion of the East Pioneer Way right-of-way and extends to the south rising up a steep hillside. The elevation in the area varies from 75 feet above sea level along Pioneer Way to as high as 375 feet in the southeast portion of the annexation area, warranting the name "Puyallup Highlands;" and

**WHEREAS**, the Puyallup Highlands 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 adjacent development patterns and anticipated growth in the City, the City Council finds that the annexation area should be zoned RS-10 on an interim basis; 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 proposed annexation enjoys the support of parties that own well over 50% of the acreage in the area; and

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

**WHEREAS**, November 24, 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 and the interim zoning statute found at RCW 35A.63.220, by regular motion adopted at its regular meeting on December 1, 2003, the City Council set a public hearing on the subject of this ordinance to occur at its regular meeting on December 15, 2003, 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 conducted its public hearing on the subject of this ordinance during its regular meeting on December 15, 2003, and all persons wishing to be heard or submit written comments were 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 Puyallup Highlands Area.** The real property known as the Puyallup Highlands 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. 1796, upon annexation, all property within the Puyallup Highlands 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.**     **Interim Zoning Controls Adopted for Annexation Area.** Under authority of RCW 35A.63.220, 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. These zoning controls are adopted on an interim basis and shall be in full force and effect no longer than six (6) months after the effective date of this section or until final zoning controls are adopted by the City Council, whichever should occur first. Each and every of the recitals contained in the preamble to this ordinance area hereby adopted as findings of fact and incorporated herein by reference justifying the interim zoning controls implemented in this section.

**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, provided, that the annexation, indebtedness, and interim zoning provisions contained in Sections 1, 2 and 3 shall become effective on January 1, 2004.

**PASSED** by the City Council of the City of Puyallup this 15<sup>th</sup> day of December 2003 and signed in authentication thereof this 15<sup>th</sup> day of December 2003.

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Kathy R. Turner, Mayor

ATTEST:

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Barbara J. Price, City Clerk

APPROVED AS TO FORM:

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Gary N. McLean, City Attorney

Published: \_\_\_\_\_

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