

ORDINANCE NO. 97-838

AN ORDINANCE REGARDING THE ANNEXATION OF UNINCORPORATED TERRITORY TO THE CITY OF BATTLE GROUND, WASHINGTON, AND FIXING ITS ZONE FOR LAND USE.

WHEREAS, the City of Battle Ground, Washington, received a notice of intent to annex certain real property, and the City Council of the City of Battle Ground determined that a petition for annexation of said property would be accepted and was processed as AX 3-94; and,

WHEREAS, a petition for annexation requesting the City of Battle Ground City Council to annex the said real property was received by the City of Battle Ground and a petition was duly signed by the owners of more than sixty percent (60%) in value according to the assessed value for general taxation of said area; and,

WHEREAS, the City Council of the City of Battle Ground pursuant to RCW 35A.14.130, fixed the date for public hearing upon the annexation and caused notice to be published and posted as required by law, and the public hearing was had before the City Council on December 19, 1996, where proponents and opponents were heard and the hearing was closed; and,

WHEREAS, the City of Battle Ground adopted an Urban Growth Area Zoning Map on February 6, 1995, after several public hearings

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BRIAN H. WOLFE
Attorney at Law
P. O. Box 1148
Vancouver, WA 98666-1184
(360) 693-5883

Section 3. After consideration of the land use in the area described in Exhibit "A," the City of Battle Ground Urban Growth Area, the Comprehensive Plan, and the Urban Growth Area Zoning Map, the per capita assessed valuation, the availability of municipal services and the probable future need for such services, it was determined that the annexation of the real property described in Exhibit "A", including all of contiguous N.E. 112th Avenue on the west (N.E. 20th Avenue in the city), would be in the public interest and for the public welfare. It was further determined that this action is not an action which would significantly and adversely affect the quality of the environment.

Section 4. The land proposed by said petition to be annexed to said City of Battle Ground is situated in the County of Clark, State of Washington, is contiguous and proximate and adjacent to the present corporate limits of said city as more particularly described in Exhibit "A," attached hereto and incorporated in full by this reference, and shall include all of contiguous N.E. 112th Avenue (N.E. 20th Avenue in the city).

Section 5. The property, as set forth in Exhibit "A", including the entire width of contiguous N.E. 112th Avenue (N.E. 20th Avenue in the city), and for which the petition for annexation is filed, shall be and is hereby made a part of the City of Battle Ground and annexed thereto.

Section 6. Pursuant to the terms of the annexation petition, all property within this territory annexed hereby shall be assessed

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and taxed at the same rate and on the same basis as the property within the City or Battle Ground, including assessments or taxes in payment of any bond issued or debts contracted by order existing at the time of annexation.

Section 7. In accordance with RCW 35A.14.330, the area hereby annexed shall receive the zoning designation as called for by the Battle Ground Urban Area Comprehensive Plan which is designated R1-7.5.

Section 8. The foregoing classifications and designations are based on the Battle Ground GMA Urban Growth Area Comprehensive Plan and Zoning Map adopted February 6, 1995, and the following additional **Findings of Fact**:

A. The property is located between SR-503 and N.E. 112th Avenue, approximately 3,150 feet north of Main Street or SR-502. The southern and eastern boundaries will be the city limits and the north boundary is defined by property lines. The western extremity is N.E. 112th Avenue (N.E. 20th Avenue in the city).

B. The property is flat with an approximate slope of zero to three percent. The land is currently unimproved and is mostly pasture with an existing house located on the parcel. Tax Lots 89 and 90 of Section 34, Township 4 North, Range 2 East of the Willamette Meridian were added to the annexation.

C. The current zoning is designated under the Comprehensive Plan as R1-7.5 which will result in approximately two hundred and fifty (250) homes when the property fully develops.

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D. A full build-out will increase total vehicular trips to approximately 2,500 trips per day.

E. The property appears to contain some forested wetland that is located in a portion of the northeastern side of the site. Two other portions of the site may also include some wetlands designated as the emergent wetland according to the Preliminary Wetland Study being prepared for the City of Battle Ground.

F. The site is located within the North Mill Creek Basin area. Any proposed development within the site shall comply with Stormwater Control and Drainage Ordinance (BGMC 18.250).

G. Any development of this property in the future cannot be guaranteed to have water or be connection to sewer due to present limited capacity.

Section 9. The foregoing annexation contained in Section 5 of this ordinance is subject to the following conditions:

A. Zoning:

1. Future development within the proposed site will have to comply with the current land use and zoning ordinance pursuant to City of Battle Ground Municipal Code Chapter 17.

2. Any proposed development within the site shall comply with the dimensional and density requirements for the R1-7.5 zoning district pursuant to BGMC 17.111.

3. Future developments within the proposed annexation site shall also comply with the Single-Family Residential District requirements pursuant to BGMC 17.105.

B. Streets:

1. Future developments within the site shall be in compliance with the Streets Standards pursuant to BGMC Chapter 12.

2. A traffic study may be required to study the traffic impact generated from a full development of the site.

C. Stormwater Control:

1. Future developments within the site shall comply with the City of Battle Ground Stormwater Ordinance 18.250 for water quality and quantity.

D. Wetland:

1. A wetland delineation is required for any development within the proposed annexation site. The wetland delineation shall be prepared pursuant to BGMC 18.220.030.

E. Water/Sanitary Sewer:

1. Water will not be available to the site at the present time. The City of Battle Ground does not guarantee the availability of water to future development within the site. Building permits/occupancy permits/land division may not be issued until city water is available.

2. The existing sanitary sewer system is not capable of serving connections to future developments within the site. The

will not authorize the issuance of building permits/occupancy permits until sanitary sewer capacity is provided.

Section 10. The City Clerk is hereby directed to file with the Board of County Commissioners of Clark County a certified copy of this Ordinance. The City Clerk is further directed to file with the Office of Financial Management a certificate as required by RCW 35A.14.700 within thirty (30) days of the effective date of annexation.

Section 11. Approval of this annexation is subject to approval by the Washington State Boundary Review Board for Clark County. Said annexation was submitted to said Boundary Review Board and the BRB waived full board review on December 19, 1995, and is deemed approved.


Section 12. This ordinance shall be in full force and effect thirty (30) days after its passage by the City Council and its approval and publication in accordance with law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF BATTLE GROUND, WASHINGTON, THIS 2nd DAY OF JANUARY, 1997.

Approved:


Marvin E. Brothers, Mayor

Attest:


Judie Kastner, City Clerk

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