

ORDINANCE NO. O2022-002

AN ORDINANCE of the City Council of the City of Tumwater, Washington, annexing to the City of Tumwater certain contiguous properties referred to as the "Trosper Lake Island" located within the Tumwater Urban Growth Area, entirely surrounded by the City of Tumwater, in Thurston County, Washington, as more particularly described herein.

WHEREAS, County islands are those unincorporated Thurston County areas that are bounded on all sides by the City of Tumwater; and

WHEREAS, provision of services by the County to islands that are surrounded by the City results in an inefficient use of City and County resources; and

WHEREAS, there are currently twelve unincorporated County islands located within the boundaries of the City; and

WHEREAS, the annexation of these twelve unincorporated County islands will provide greater efficiency of services; and

WHEREAS, the City and County want to facilitate an orderly transition of services associated with the twelve unincorporated County islands proposed to be annexed, including, but not limited to emergency services, public works, and permit processing; and

WHEREAS, RCW 35A.14.296 authorizes any code city to annex unincorporated island areas pursuant to a jointly approved interlocal agreement with the county; and

WHEREAS, the legislative findings in RCW 35A.14.296 state, "The legislature finds that city annexations of unincorporated areas within urban growth areas will be more efficient and effective if the county and city develop a jointly approved interlocal agreement so as not to create illogical boundaries or islands of unincorporated territory"; and

WHEREAS, RCW 35A.14.296 requires that any affected adjacent jurisdictions, such as fire districts, be notified of the intent to annex any areas served by the fire district. Nine of the twelve County islands that the City are proposing to annex are within the service area of the McLane Black Lake Fire Department; and

WHEREAS, RCW 35A.14.296 empowered McLane Black Lake Fire Department to be a party to the interlocal agreement by providing written notice within 30 days of the May 20, 2021 letter from the City; and

WHEREAS, the McLane Black Lake Fire Department provided the City with written notice on September 5, 2021, that it does not wish to be a party to the interlocal agreement and had no objection to the annexation of the County islands; and

WHEREAS, on November 24, 2021, post cards were mailed to property owners and residents in all twelve of the proposed annexation areas letting them know about proposed interlocal agreement and the open house; and

WHEREAS, on December 1, 2021 the City and County held a virtual open house to present information regarding the proposed interlocal agreement and annexation process for all twelve of the proposed annexation areas; and

WHEREAS, on December 3, 2021 the City Clerk caused the Notice of Availability of the interlocal agreement to be posted, published four times in the manner provided by law, and mailed to all property owners and residents in all twelve of the proposed annexation areas; and

WHEREAS, on January 6, 2022 the Thurston County Clerk and the City Clerk caused Notice of Public Hearing on the interlocal agreement to be posted and published in the manner provided by law, and mailed to all property owners and residents in all twelve of the proposed annexation areas; and

WHEREAS, the Board of County Commissioners and the City Council held a duly noticed joint public hearing on the interlocal agreement on January 18, 2022 as required by RCW 35A.14.296(3); and

WHEREAS, the City Council approved the interlocal agreement on January 18, 2022; and

WHEREAS, the Board of County Commissioners approved the interlocal agreement on January 25, 2022; and

WHEREAS, Notice of Intent applications for all twelve annexations were submitted to the Boundary Review Board for Thurston County by the City on February 16, 2022; and

WHEREAS, the Boundary Review Board for Thurston County approved the waivers of the 45-day period allowed for the jurisdiction of the Boundary Review

Board to be invoked and returned nine of the twelve annexations to the City for final action on March 7, 2022. The nine annexations included the following:

1. 984 Liberty Street Annexation
2. Dennis Street Annexation
3. Linwood Avenue Annexation
4. Pioneer Street North Annexation
5. Pioneer Street South Annexation
6. Quince Street North Annexation
7. Quince Street South Annexation
8. Rural Road South Annexation
9. Sapp Road Annexation; and

WHEREAS, the Boundary Review Board for Thurston County returned the remaining three annexations to the City for final action on April 4, 2022 after the 45-day period allowed for the jurisdiction of the Boundary Review Board to be invoked was completed. The three annexations included the following:

1. Liberty Street Annexation
2. Rural Road North Annexation
3. Trosper Lake Annexation; and

WHEREAS, after the City and County approved the interlocal agreement and the Notice of Intent process for all twelve annexations was completed through the Boundary Review Board for Thurston County, the City Council considered adoption of annexation ordinances for the "Trosper Lake Island" and the remaining "Eleven County Islands"; and

WHEREAS, the "Eleven County Islands" annexation ordinance was considered first by the City and then the "Trosper Lake Island" annexation ordinance; and

WHEREAS, the "Trosper Lake Island" annexation ordinance considered the following annexation area:

1. Trosper Lake Annexation; and

WHEREAS, the "Trosper Lake Island" annexation is consistent with the City's adopted annexation policies, the County-wide Planning Policies, and the Joint Plan adopted by County and the City; and

WHEREAS, the City Council discussed the annexation ordinance in a worksession on April 26, 2022; and

WHEREAS, on May 6, 2022, notices of the City Council consideration of the ordinance were mailed to property owners and residents in the annexation areas; and

WHEREAS, on June 7, 2022, the City Council considered the annexation ordinance; and

WHEREAS, on June 7, 2022, the City Council, having determined that the annexation of the hereinafter described properties to the City of Tumwater would be in the public interest and for the public welfare and in the best interest of the City of Tumwater and the citizens thereof, approved the ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Tumwater City Council hereby annexes the properties described and depicted of the "Trosper Lake Island" in Exhibit A attached hereto and by this reference incorporated as if fully set forth herein as of the effective date of this ordinance.

Section 2. It is hereby further declared that upon annexation, the properties described in Section 1 above shall be subject to existing indebtedness of the City of Tumwater.

Section 3. Zoning and land use designations shall be applied which are consistent with the Tumwater Comprehensive Plan and the Interlocal Agreement approved by the City of Tumwater and Thurston County in January 2022 in Exhibit B attached hereto.

Section 4. The Floodplain Overlay Zone, the Airport Overlay Zone, and Aquifer Protection Overlay Zone shall be applied pursuant to the Tumwater Municipal Code and the Tumwater Comprehensive Plan.

Section 5. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 7. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any 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 the ordinance, or the validity of its application to other persons or circumstances.

Section 8. Effective Date. This ordinance shall become effective five (5) days after passage, approval, and publication as provided by law.

ADOPTED this ____ day of _____, 2022.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

Exhibit "A"

Legal Descriptions and Maps for the "Trosper Lake Island"

[See attached Legal Descriptions and Maps.]

Exhibit “B”

***Interlocal Agreement between the City of Tumwater and Thurston County,
Related to the Annexation of County Islands Located within the
Surrounding Jurisdictions of the City***

[See attached Interlocal Agreement.]