

ORDINANCE NO. 765-08

CITY OF GRANITE FALLS

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON
APPROVING A DEVELOPMENT / CONCOMITANT ZONING AGREEMENT
REGARDING THE DEVELOPMENT OF SUNCREST FARMS PROPERTY.**

WHEREAS, the City of Granite Falls received a Notice of Intent to Annex signed by the Owners of not less than ten percent (10%) in value, according to the assessed valuation for general taxation of the property commonly known as Suncrest Farms Property; and

WHEREAS, within 60 days of receipt of the said Notice of Intent to Annex, the Granite Falls City Council met with the initiators of the annexation and determined that the City would entertain an annexation petition and authorized the initiators to circulate an annexation petition meeting the requirements of RCW 35A.14.120; and

WHEREAS, a Petition for Annexation of a territory commonly known as Suncrest Farms Property, signed by the owners of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation of the property, was subsequently received by the City of Granite Falls, and the Petition was determined to be sufficient in meeting the requirements established by the Granite Falls City Council; and

WHEREAS, the Granite Falls City Council held a public hearing on August 1, 2007 to consider the Petition, and caused notice of the hearing to be published in the official newspaper of general circulation and to be posted in three public places, inviting interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, on October 9, 2007 the Boundary Review Board notified the City of Granite Falls that the 45-day review period ended on October 8, 2007 at 5 p.m. with no requests for review having been filed, and authorized the City to proceed in finalizing the annexation; and

WHEREAS, the Granite Falls City Council is considering adoption of an ordinance annexing certain real property commonly known as Suncrest Farms Property, pursuant to the petition method set forth in chapter 35A.14 RCW, and previously provided first reading of the ordinance on August 1, 2007; and

WHEREAS, the Owner or party in control of the real property has requested and proposed that the Granite Falls City Council approve and enter into a Development / Concomitant Zoning Agreement in regards to the annexation of Suncrest Farms Property that will set forth the development standards and other provisions that shall apply to, govern, and vest in the development; and

WHEREAS, the City of Granite Falls is authorized to enter into development agreements with a person or entity having ownership or control of real property within the City's jurisdiction as provided for in RCW 36.70B.170(1); and

WHEREAS, the City of Granite Falls also has authority to enter into development agreements for real property outside its corporate boundaries as part of a proposed annexation as provided for in RCW 36.70B.170(1); and

WHEREAS, state law requires that approval of development agreements be established by ordinance after a public hearing, pursuant to RCW 36.70B.200; and

WHEREAS, the Granite Falls City Council properly set and held public hearings on the proposed Development / Concomitant Zoning agreement on April 29, 2008 and on May 7, 2008; and

WHEREAS, the Granite Falls City Council has determined that it is in the best interest of the City to approve and enter into the Development / Concomitant Zoning Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Approval and Incorporation by Reference. The City of Granite Falls accepts and approves the Development / Concomitant Zoning Agreement, which is attached hereto and incorporated by reference as though fully set forth.

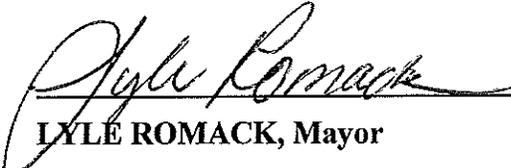
Section 2. Authorization for Mayor to Execute. The Granite Falls City Council hereby authorizes the Mayor to execute the attached Development / Concomitant Zoning Agreement for and on behalf of the City of Granite Falls.

Section 3. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 4. Publication and Summary. This Ordinance or summary thereof consisting of the title shall be published in the official newspaper of the City.

Section 5. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of the summary consisting of the title.

Said Ordinance was passed in open session by the Granite Falls City Council City of Granite Falls on the 7 day of May, 2008, and signed in authentication of its passage this 7 day of May, 2008.


LYLE ROMACK, Mayor

Attest:



LOTTA HINES, City Clerk

Approved as to form:


H. James Inchor, City Attorney

DATE OF FIRST AND FINAL READING:

5-7-2008

DATE OF PUBLICATION:

9 July, 2008

EFFECTIVE DATE:

14 July 2008