

#3

STAFF REPORT NO. 123-09

TO: Mayor and City Council
FROM: Pat McDonnell, City Manager

DATE: 9/14/09
9/21/09

Subject: Annexation of a portion of the Lake View B subarea as defined in the *2007 Annexation Blueprint*, which is located in Vancouver's unincorporated urban growth area; a 29.3-acre site located west of the current city limits, and extending south to NW Lower River Road.

Objective: Annex a portion of the Lake View B subarea using the 75 percent direct petition method.

Present Situation: The *2007 Annexation Blueprint* divides the Lake View Annexation Area into two subareas, A and B, which were originally anticipated to be annexed between 2013 and 2018. This annexation request contains one parcel (29.3 acres) located in subarea B. The Port of Vancouver acquired the parcel from the state in 2009 as part of their projected wetland mitigation plan.

VMC 20.230.030 provides that City Council shall designate the city comprehensive plan and zoning designations for the annexing land so as to be most similar to the county designations of such land, absent adoption of a different designation approved by Council. In Clark County, this parcel has the Parks and Open Space (P/OS) comprehensive plan designation, and the Agricultural Wildlife (AG/WL) zoning designation. As per VMC Table 20.230.030-1, surrounding zoning designations and current uses will change upon annexation to the Open Space (OS) comprehensive plan designation, and receive the Vancouver Lake Greenway (GW Vancouver Lake) zoning designation.

The Port, the new property owner, is planning to develop the site as a wetland bank and is seeking annexation so that all of their property will be located in a single jurisdiction under a consistent set of regulations.

Council shall now determine whether to:

1. Accept the certified signature supporting the annexation request.
2. Re-confirm the July 27, 2009 decision regarding the geographic boundary, zoning designations, and the question of indebtedness.
3. Set the effective date for the annexation.

Advantage(s):

1. Provides for a more efficient and effective implementation of the Port of Vancouver's wetland mitigation plan by enabling them to develop and implement under a single set of land use regulations.
2. Ensures future development shall conform to city standards.
3. Enables the Port of Vancouver to have all of their land located in a single jurisdiction.
4. Supports the annexation request of a property owner.

Disadvantage(s):

1. Annexation is out of sequence as anticipated in the *Blueprint*.
2. Annexation of partial subarea as defined in the *Blueprint*.

Budget Impact: Annexation of the vacant Lake View B-Port Annexation parcel will not negatively impact the City's short-term or long-term financial situations. Following implementation of the wetland mitigation, ownership of the parcel is anticipated to remain with the Port.

Action Requested:

1. On September 14, 2009, approve ordinance on first reading, setting date of second reading and public hearing for September 21, 2009.
2. On September 21, 2009, subject to second reading and public hearing, approve the Lake View B-Port final annexation ordinance.

Attachments:

- Annexation timeline, highlighting current status
- Lake View B-Port annexation ordinance with exhibits

A9090802/PM:SW:MW

**The Proposed Lake View B-Port Annexation
75% Petition Method**

- Property Owner:** Requests annexation via Notice of Intent (July 14, 2009)
- Council:** 10% Public Meeting & Resolution (July 27, 2009)
 - Define geographic boundary for annexation area
 - Adoption of comprehensive plan designation as per VMC 20.230
 - Determine that no existing indebtedness shall apply
- Staff:** Collect petition signatures (July 30, 2009)
- Assessor:** Certify petition signatures (August 10, 2009)
- Council: Final Annexation Public Hearing & Ordinance (September 21, 2009)**
 - **Accept Signatures**
 - **Set effective date**
- Staff:** Notices sent out (September 22, 2009)
 - Property owner & business owner located in the annexation area
 - County Assessor and Treasurer
 - Utility service providers (utility taxes) and other impacted service providers
 - State Department of Revenue and State Office of Financial Management
 - City staff
- Annexation goes into effect (October 21, 2009)
- Staff:** Conduct census of annexation area (October 28, 2009)

9-14-09
9-21-09

ORDINANCE NO. 11-3928

AN ORDINANCE relating to approval of an annexation pursuant to RCW 35.13.125; establishing the geographic extent, defining the comprehensive plan and land use designations, and determining the assumption of all or any portion of existing city indebtedness; accepting the certified petitions supporting annexation; and providing for an effective date for the 29.3-acre Lake View B-Port Annexation.

WHEREAS, pursuant to RCW 35.13.005, no city located in a county in which urban growth areas have been designated under RCW 36.70A.110 may annex territory beyond an urban growth area; and

WHEREAS, pursuant to RCW 36.70A, the City of Vancouver has an urban growth area designated under the Growth Management Act; and

WHEREAS, the Lake View B-Port Annexation parcel is located in Vancouver's unincorporated urban growth boundary, west of the current city limits and extending south to NW Lower River Road; and

WHEREAS, the annexation request conforms to the general principles of the Interlocal Agreement between the City and Clark County, dated December 2007; and

WHEREAS, pursuant to RCW 35.13.410, on July 27, 2009, Vancouver City Council met with the initiating party and voted in support of the annexation request; defined the geographic extent of the proposed annexation; required the simultaneous adoption of the comprehensive plan designations as provided for in VMC Chapter 20.230; and did not require assumption of all or any portion of the existing city indebtedness by the area to be annexed; and

WHEREAS, pursuant to RCW 35.13.125, the City of Vancouver received a signed annexation petition from the Lake View B-Port annexation area property owner; and

WHEREAS, pursuant to RCW 35.21.005, on August 10, 2009, the Clark County Assessor certified that the signature represents support from over seventy-five percent of the total assessed valuation of the 29.3-acre area proposed for annexation.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Location of Annexation Area: Pursuant to RCW 35.13, and as discussed and voted on by City Council on July 27, 2009 (M-3691), the 29.3-acre Lake View B-Port annexation area is located in Vancouver's unincorporated urban growth boundary, west of the current city limits and extending south to NW Lower River Road. The legal description of such annexing land is set forth in Exhibit "A", attached hereto and incorporated herein. A parcel map of such annexing land is set forth in Exhibit "B", attached hereto and incorporated herein.

Section 2. Comprehensive Plan and Zoning Designations: Pursuant to VMC 20.230, and as discussed and voted on by City Council on July 27, 2009 (M-3691), the city shall designate the city

comprehensive plan and zoning designations for the annexing land so as to correspond as reasonably close to the county zoning designation of such land, as provided in VMC Table 20.230.030-1. In Clark County, this parcel has the Parks and Open Space (P/OS) comprehensive plan designation, and the Agricultural Wildlife District (AG/WL) land use zoning designation. As per VMC Table 20.230.030-1, surrounding zoning designations and current uses will change upon annexation to the Open Space (OS) comprehensive plan designation, and receive the Vancouver Lake Greenway (GW Vancouver Lake) zoning designation.

Section 3. Comprehensive Plan and Zoning Maps: The comprehensive plan and zoning designations provided for in Section 2 are hereby applied to the land being annexed, as shown on the maps attached hereto and incorporated herein as Exhibits "C" and "D".

Section 4. Indebtedness: As decided by City Council on July 27, 2009 (M-3691), the city will not require the Lake View B-Port Annexation property owner to accept any of the existing city indebtedness.

Section 5. Signature Certification: Pursuant to RCW 35.21.005, on August 10, 2009, the County Assessor issued the Certification of Sufficiency regarding the signature support for the Lake View B-Port Annexation, as set forth in Exhibit "E".

Section 6. Signature Acceptance: City Council hereby accepts the certified signatures supporting annexation of the 29.3-acre Lake View B-Port Annexation area.

Section 7. Effective Date: This ordinance shall become effective thirty (30) days following the date of final adoption.

Read first time: September 17, 2009

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers Campbell, Leavitt, Smith, Harris
Jollota, Pollard

Nays: Councilmembers None

Absent: Councilmembers Stewart

Read second time: September 21, 2009

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers Campbell, Smith, Leavitt, Stewart
Harris, Jollota, Pollard

Nays: Councilmembers None

Absent: Councilmembers None

Signed this 24th day of September, 2009.



Royce E. Pollard, Mayor

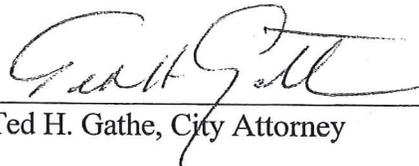
Attest:



R. Lloyd Tyler, City Clerk

By: Carrie Lewellen, Deputy City Clerk

Approved as to form:

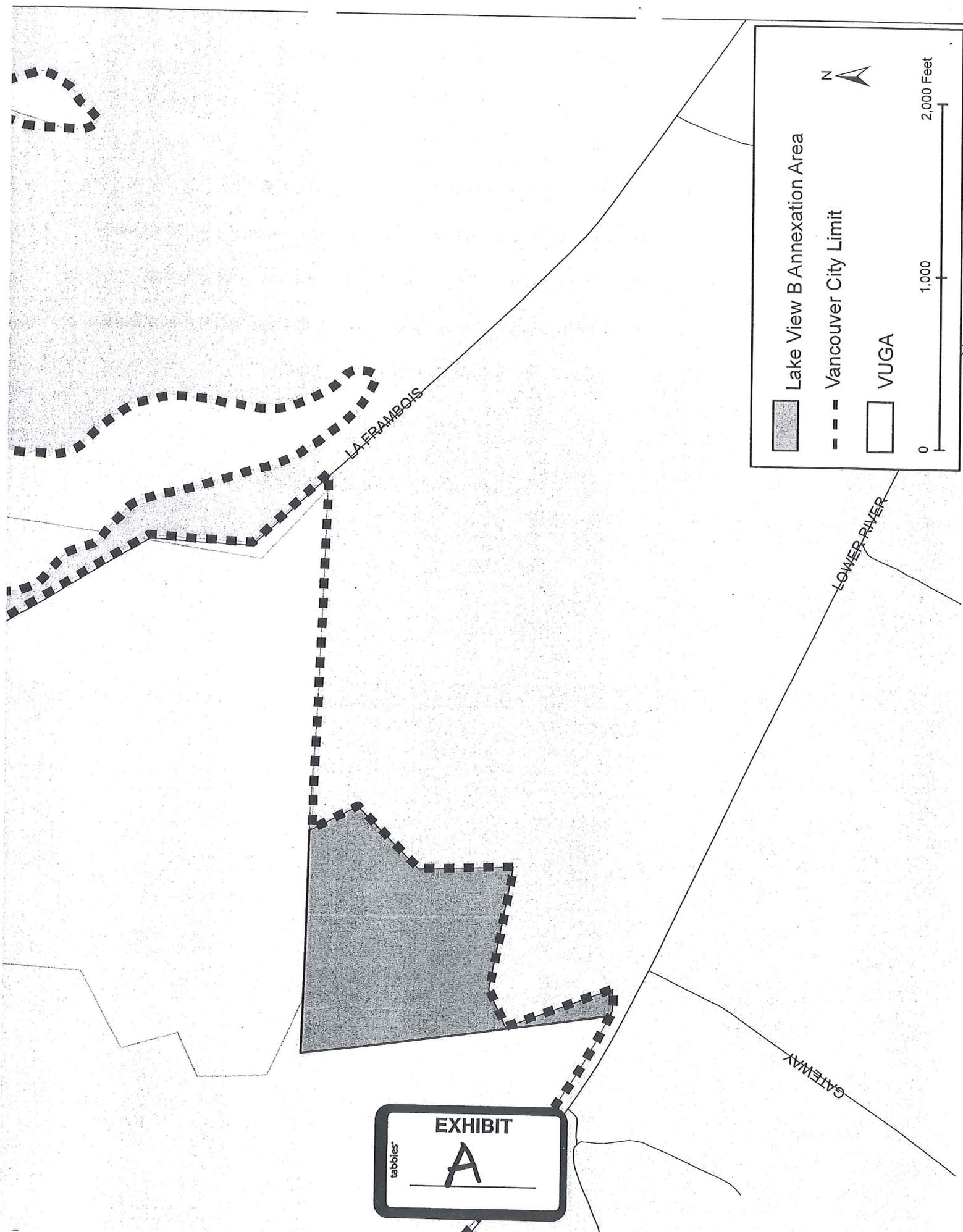


Ted H. Gathe, City Attorney

SUMMARY

ORDINANCE NO. M-3928

AN ORDINANCE relating to approval of an annexation pursuant to RCW 35.13.125; establishing the geographic extent, defining the comprehensive plan and land use designations, and determining the assumption of all or any portion of existing city indebtedness; accepting the certified petition supporting annexation; and providing for an effective date for the 29.3-acre Lake View B-Port annexation thirty (30) days following the date of final adoption.



Legend:

- Lake View B Annexation Area
- Vancouver City Limit
- VUGA

Scale: 0, 1,000, 2,000 Feet

North Arrow

tabbles®
EXHIBIT
A

LEGAL DESCRIPTION

A parcel of property in the Francis La Frambois Donation Land Claim and in the SW quarter of Section 17, Township 2 North, Range 1 East of the Willamette Meridian, Clark County, Washington said parcel being more particularly described as follows;

All that portion of that tract described in deed recorded in Auditor's File Number 9105210267, and the survey recorded in Book 30 Page 28 Clark County records, said parcel being contiguous with the present City of Vancouver boundary as described in West Fruit Valley Annexation (M-2900), said parcel lying southerly and easterly of the following described courses;

Commencing at the Southwest corner of said Section 17, as shown on the survey recorded in Book 56 at Page 149, records of Clark County;

Thence North $80^{\circ}09'00''$ East 830.65 feet as described in deed recorded in Auditor's File Number 3869303 Clark County records to the intersection of the centerline of State Route 501 with the southerly extension of a North-South fence;

Thence North $08^{\circ}28'24''$ West along said southerly extension and along said North-South fence 317.24 feet;

Thence North $08^{\circ}03'20''$ West along said North-South fence 676.88 feet;

Thence North $08^{\circ}13'07''$ West along said North-South fence 393.30 feet;

Thence North $07^{\circ}29'09''$ West along said North-South fence 226.47 feet;

Thence North $06^{\circ}40'26''$ West along said North-South fence 238.38 feet to a fence corner;

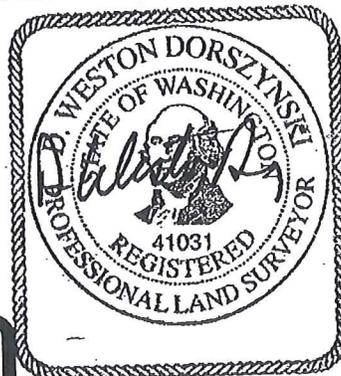
Thence South $88^{\circ}11'21''$ East along an East-West fence 471.90 feet;

Thence South $88^{\circ}35'14''$ East along said East-West fence 858.83 feet;

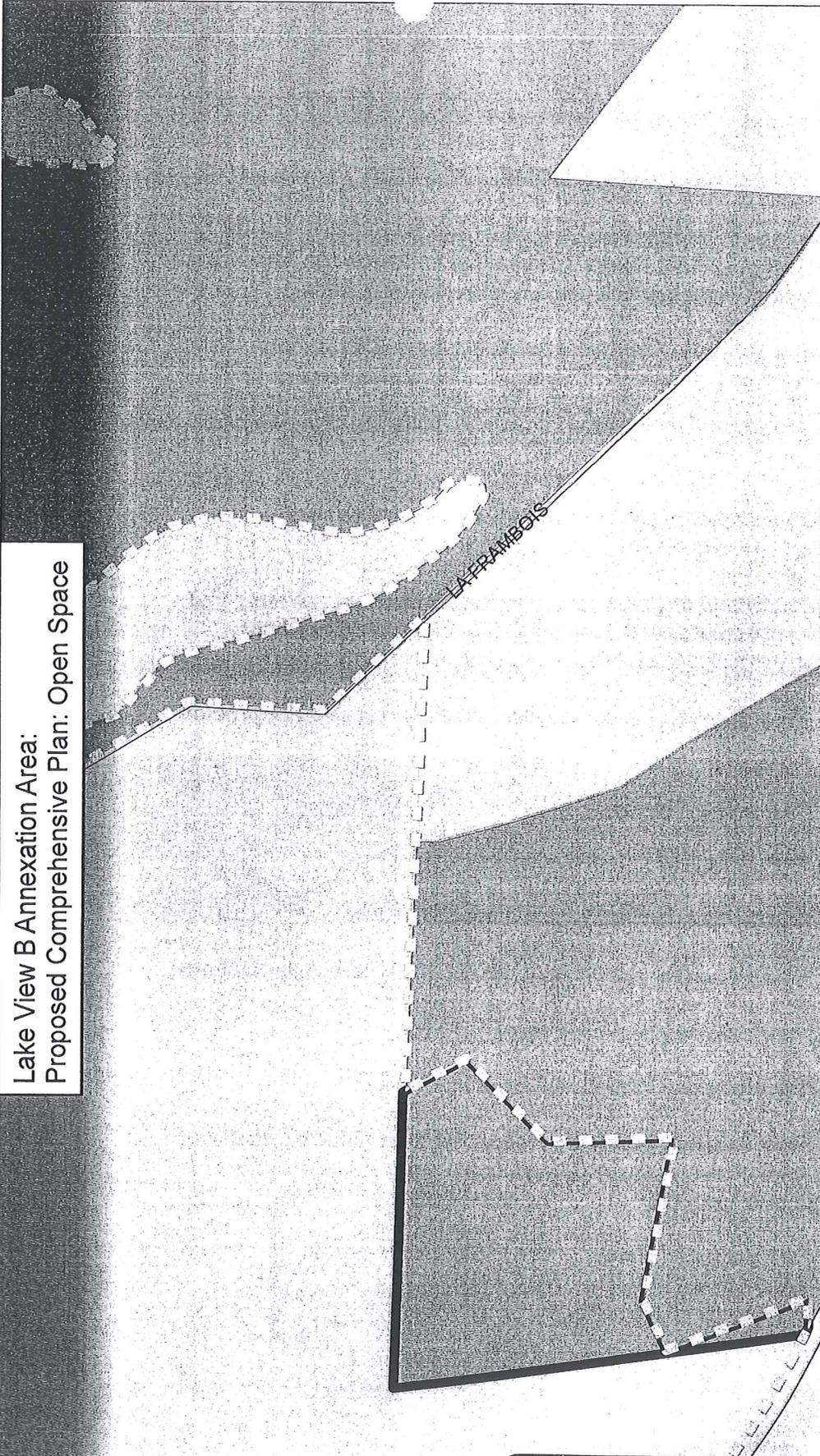
Thence South $86^{\circ}46'45''$ East along said East-West fence 851.64 feet to the North line of that tract conveyed to Elmer Rufener, et ux, by deed recorded under Auditor's File Number F 48790, Clark County records;

Thence South $88^{\circ}23'32''$ East along said North line 1175.59 feet more or less, to the Northeasterly line of said La Frambois Donation Land Claim, and there terminating;

Contains 29.2 Acres more or less.



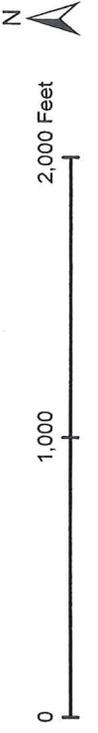
Lake View B Annexation Area:
Proposed Comprehensive Plan: Open Space



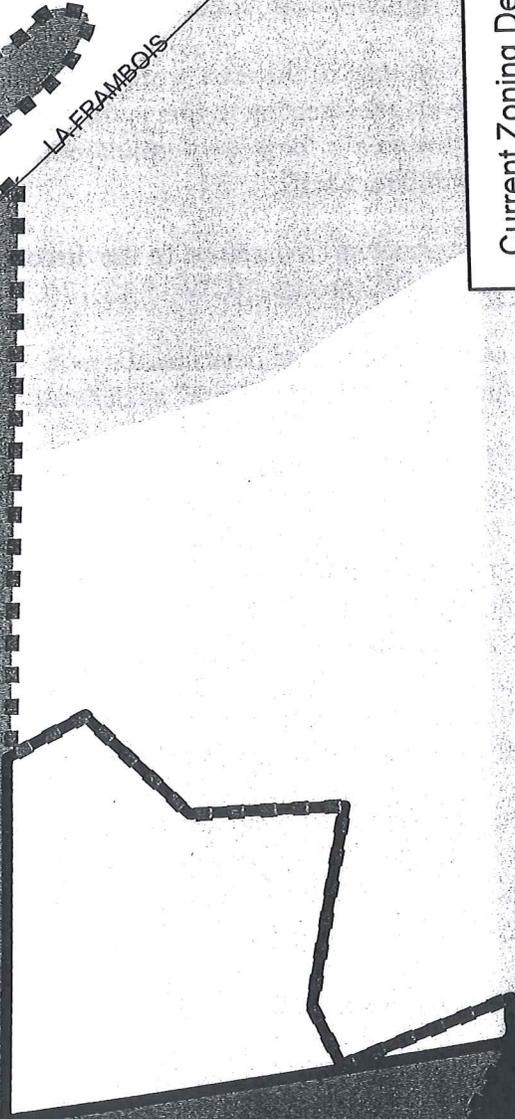
tabbles[®]
EXHIBIT
C

Proposed Comprehensive Plan Designations

-  Open Space (OS) - Vancouver
-  Parks-Open Space (P/OS) - Clark County
-  Industrial (IND) - Vancouver
-  Lake View B Annexation Area
-  Vancouver City Limit



Lake View B Annexation Area:
Proposed Zoning: Vancouver Lake Greenway



Current Zoning Designations

-  Agriculture-Wildlife (AG/WL) - Clark County
-  Vancouver Lake Greenway (GW) - Vancouver
-  Light Industrial (IL) - Vancouver
-  Heavy Industrial (IH) - Vancouver
-  Lake View B Annexation Area
-  Vancouver City Limit



2,000 Feet

1,000

0

tabbles®

EXHIBIT

D

Certification of Sufficiency
Lake View B-Port Annexation

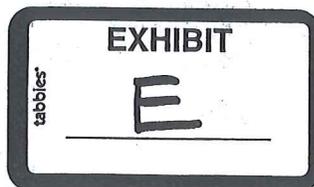
The city of Vancouver on July 30, 2009, submitted for review by the Clark County Assessor, a petition to annex to the city approximately 29.2 acres of land known as the Lake View B-Port Annexation. Subject to the requirements of RCW 35.21.005, I now certify the following in my capacity as Clark County Assessor:

1. On July 30, 2009 the city of Vancouver submitted for certification by the Clark County Assessor a petition to annex to the city 1 parcel of land and associated road and public utility rights-of-way, totaling approximately 29.2 acres.
2. The legal description and map of the area proposed for annexation, as provided by the city of Vancouver, are attached to this certification. According to the map provided by the city, this area is located in unincorporated Clark County and within the urban growth boundary.
3. The city is completing annexation pursuant to the direct petition method of annexation, RCW 35.13.125 through RCW 35.13.170.
4. The Clark County Assessor initiated determination of petition sufficiency on August 3, 2009 which is the "terminal date" as defined in RCW 35.21.005.
5. The area proposed for annexation has a certified annexation value for general taxation of \$ 105,480.
6. Petition signatures provided by the city of Vancouver represent signatures, in compliance with the RCW 35.13.125 through 35.13.170, of a combined total assessed value for general taxation of not less than 75% of the total assessed value for general taxation of all property in the proposed annexation area. This review did not address the legal sufficiency of any proxy or utility covenant, only the sufficiency of the presence of signatures thereon.

Therefore, based on the petition certification request and supporting materials submitted by the city of Vancouver, I hereby declare and certify that the petition represents the affirmative consent of properties totaling more than 75% of the value according to the assessed valuation for general taxation purposes of the property proposed for annexation.

Given under my hand and seal this 10th day of August 2009.

Linda Franklin
Clark County Assessor




George Simpson
Clark County Deputy Assessor