

STAFF REPORT NO. 024-10

2

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

DATE: 2/22/10
3/01/10

Subject: Annexation of a portion of the Minnehaha Area as defined in the *2007 Annexation Blueprint*, which is located in Vancouver's unincorporated urban growth area; a one-acre site located north and east of the current city limits along St. Johns Road and NE 49th Street.

Objective: Annex a portion of the Minnehaha Area using the direct petition method.

Present Situation: The *2007 Annexation Blueprint* shows the Little parcels are located in the Minnehaha Area, which is anticipated to be annexed between 2013 and 2018. This annexation request contains two parcels (one acre). The Littles' acquired the parcels in November 2009. On December 17, 2009, the new property owner had a pre-application conference with City staff to discuss plans to immediately construct a new daycare center on the site.

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, the land comprising the Little Annexation has the Community Commercial (CC) comprehensive plan designation and the C-3 land use zoning designation. As per VMC Table 20.230.030-1, surrounding zoning designations and current uses, upon annexation the parcel will retain the Commercial (C) comprehensive plan designation, and receive the Community Commercial (CC) zoning designation.

Council shall now determine whether to:

1. Accept the certified signature supporting the annexation request; and
2. Re-confirm the January 11, 2010 decision regarding the geographic boundary, zoning designations, and the question of indebtedness; and
3. Set the effective date for the annexation.

Advantage(s):

1. Ensures future development shall conform to city standards.
2. Supports 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 Little parcels will not negatively impact the City's short-term situation. Following construction of future development, it is anticipated that the new use will not negatively impact the City's long-term situation.

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Action Requested:

1. On February 22, 2010, approve ordinance on first reading, setting date of second reading and public hearing for March 1, 2010.
2. On March 1, 2010, subject to second reading and public hearing, approve the Little final annexation ordinance.

Attachments:

- Annexation timeline, highlighting current status
- Little annexation ordinance with exhibits

A10020801/PM:SW:MW

**The Proposed Little Annexation
Direct Petition Method**

- Property Owner:** Requested single-owner annexation (November 25, 2009)
- County:** Sent e-mail supporting annexation request (November 30, 2009)
- Council:** 10% Public Meeting & Resolution (January 11, 2010)
 - o Define geographic boundary for annexation area
 - o Adoption of comprehensive plan designation as per VMC 20.230
 - o Determine that no existing indebtedness shall apply
- Staff:** Collect petition signatures
- Assessor:** Certify petition signatures (February 9, 2010)
- Council: Final Public Hearing & Ordinance (March 1, 2010)**
 - o **Accept Signatures**
 - o **Set effective date**
- Staff:** Notices sent out (tentative March 2, 2010)
 - o Property owner located in the annexation area
 - o County Assessor and Treasurer
 - o Utility service providers (utility taxes) and other impacted service providers
 - o State Department of Revenue and State Office of Financial Management
 - o City staff
- Annexation goes into effect (tentative March 31, 2010)
- Staff:** Conduct census of annexation area (tentative April 2010)

2-22-10
3-01-10

ORDINANCE NO. M-3947

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 one-acre Little 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 Little annexation parcel is located in Vancouver's unincorporated urban growth boundary, north and east of the current city limits along St. Johns Road and NE 49th Street; 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 January 11, 2010, 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 Little annexation area property owner; and,

WHEREAS, pursuant to RCW 35.21.005, on **February 9, 2010**, the Clark County Assessor certified that the signature represents support from over sixty percent of the total assessed valuation of the one-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 January 11, 2010 (M-3707), the one-acre Little annexation area is located in Vancouver's unincorporated urban growth boundary, north and east of the current city limits along St. Johns Road and NE 49th Street. 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 January 11, 2010, (M-3707), 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 for in VMC Table 20.230.030-1. In Clark County, the land located in the Little annexation has the Community Commercial comprehensive plan designation and the C-3 land use zoning designation. As per VMC Table 20.230.030-1, surrounding zoning designations and current uses; upon annexation the parcel will retain the Commercial-Mixed Use (C) comprehensive plan designation, and receive the Community Commercial (CC) 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 January 11, 2010, (M-3707), the city will not require the Little annexation property owner to accept any of the existing city indebtedness.

Section 5. Signature Certification: Pursuant to RCW 35.21.005, on **February 9, 2010**, the County Assessor issued the Certification of Sufficiency regarding the signature support for the Little annexation, as set forth in Exhibit "E".

Section 6. Signature Acceptance: City Council hereby accepts the certified signatures supporting annexation of the one-acre Little annexation area.

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

Read first time: February 22, 2010

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers Hansen, Burkman, Campbell, Smith
Stewart, Harris

Nays: Councilmembers None

Absent: Councilmembers Leavitt

Read second time: March 1, 2010

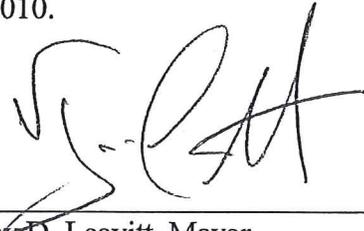
PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers Hansen, Burkman, Campbell, Smith
Stewart, Harris, Leavitt

Nays: Councilmembers None

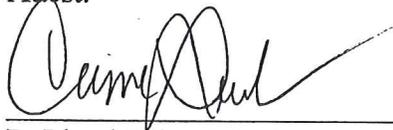
Absent: Councilmembers None

Signed this 1st day of March, 2010.



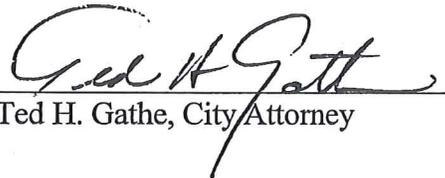
Timothy D. Leavitt, Mayor

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-3947

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 one-acre Little annexation thirty (30) days following the date of final adoption.

LEGAL DESCRIPTION

A tract of land lying in the NE 1/4 of the SW 1/4, and the SE 1/4 of the NW 1/4 of Section 13, T 2 N, R 1 E of the Willamette Meridian, Clark County, Washington said tract being more particularly described as follows:

Beginning at a brass marker at the intersection of NE St. Johns Road and NE 49th Street as shown in unrecorded survey Book N, Page 154, Clark County records, said marker being the Northwest corner of Government Lot 6;

Thence S 0°03'45"W along the centerline of NE St. Johns Road 261.25 feet as shown on said unrecorded survey;

Thence N89°57'45"E a distance of 30.00 feet to an iron pipe as shown on said unrecorded survey and the True Point of Beginning said point being on the East right-of-way of NE St. Johns Road and the current City Limits Line as described in City Ordinance M-3099 (Minnehaha Annexation) and M-3801 (Pruitt Annexation);

Thence N89°57'45"E along said City Limits Line M-3801 a distance of 155.00 feet to the southwest corner of the WM. Anderson tract as shown on said unrecorded survey;

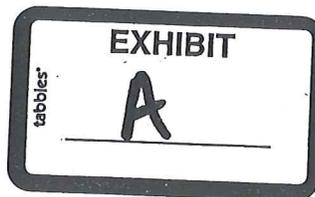
Thence leaving said City Limits Line N00°03'45"E a distance of 261.25 feet more or less to the northwest corner of said WM. Anderson tract;

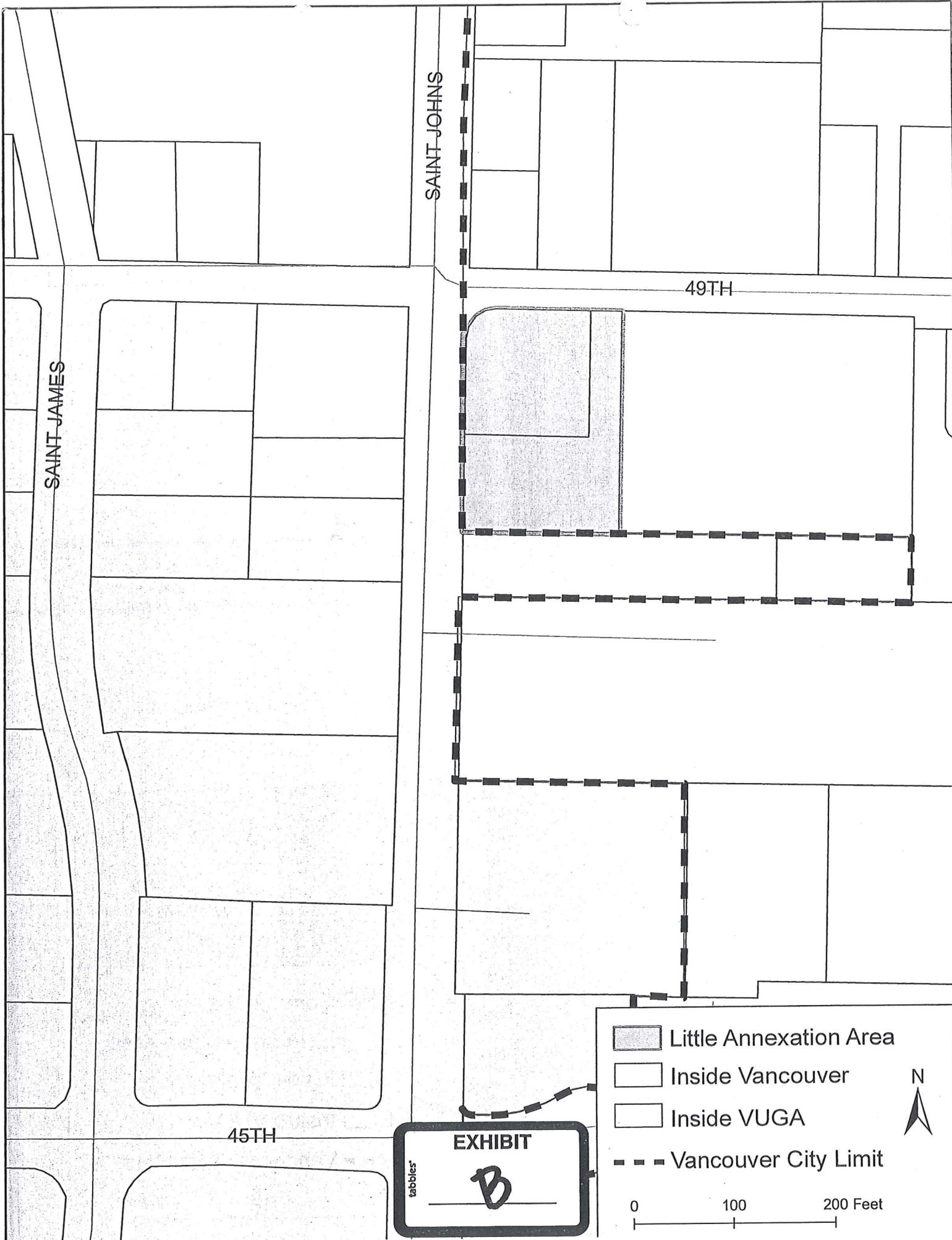
Thence 16 feet more or less on a northerly projection of the west line of said WM. Anderson tract to the north right-of-way line of NE 49th Street;

Thence westerly along said right-of-way line as described in Quit Claim Deed G-552219 Clark County Records to the East right-of-way of NE St. Johns Road and the current City Limits Line as described in City Ordinance M-3099;

Thence southerly along said right-of-way and said City Limits Line to the True Point of Beginning.

Contains 1 Acre more or less





SAINT JAMES

SAINT JOHNS

49TH

45TH

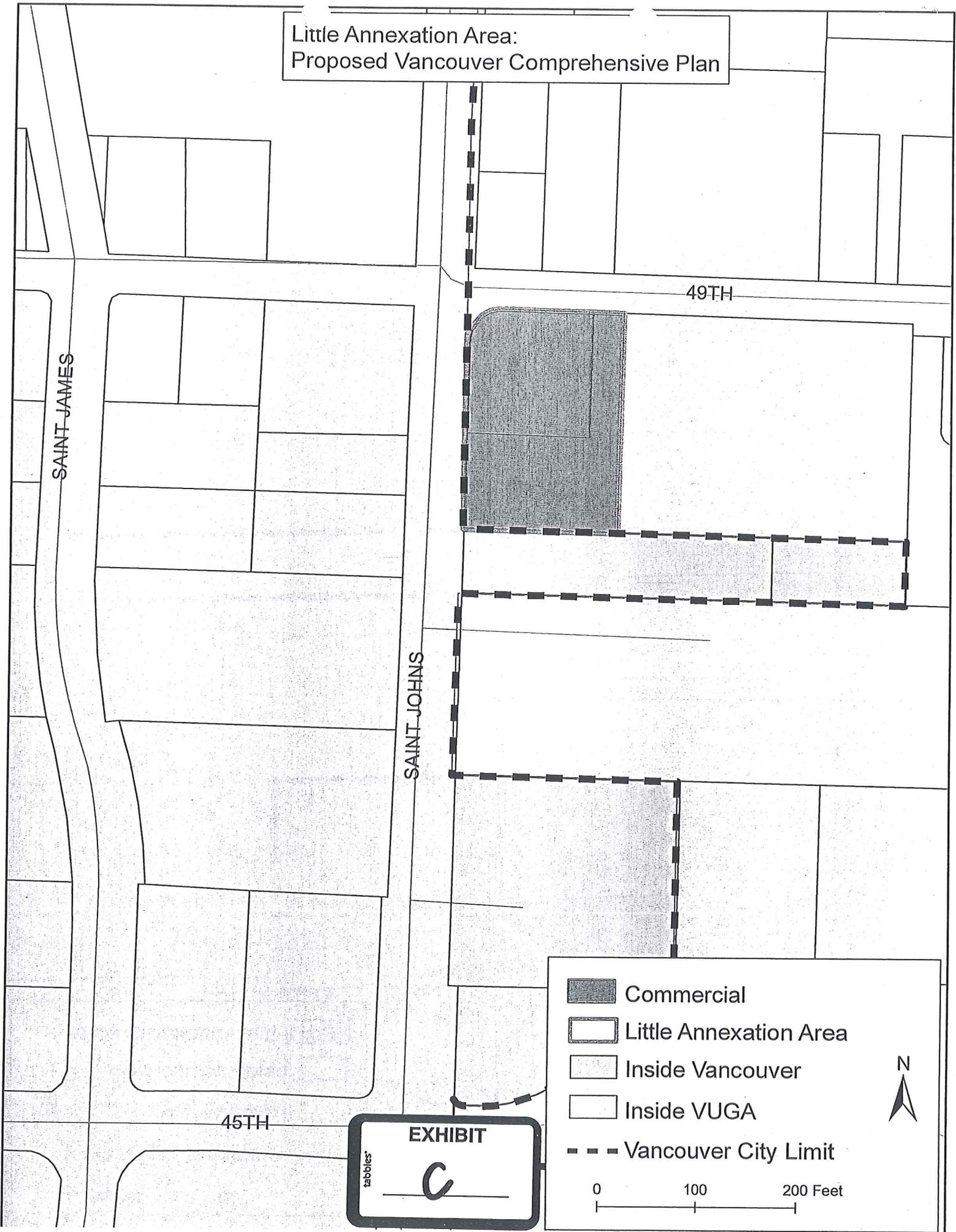
tabbles®
EXHIBIT
B

-  Little Annexation Area
-  Inside Vancouver
-  Inside VUGA
-  Vancouver City Limit



0 100 200 Feet

Little Annexation Area:
Proposed Vancouver Comprehensive Plan



SAINT JAMES

SAINT JOHNS

49TH

45TH

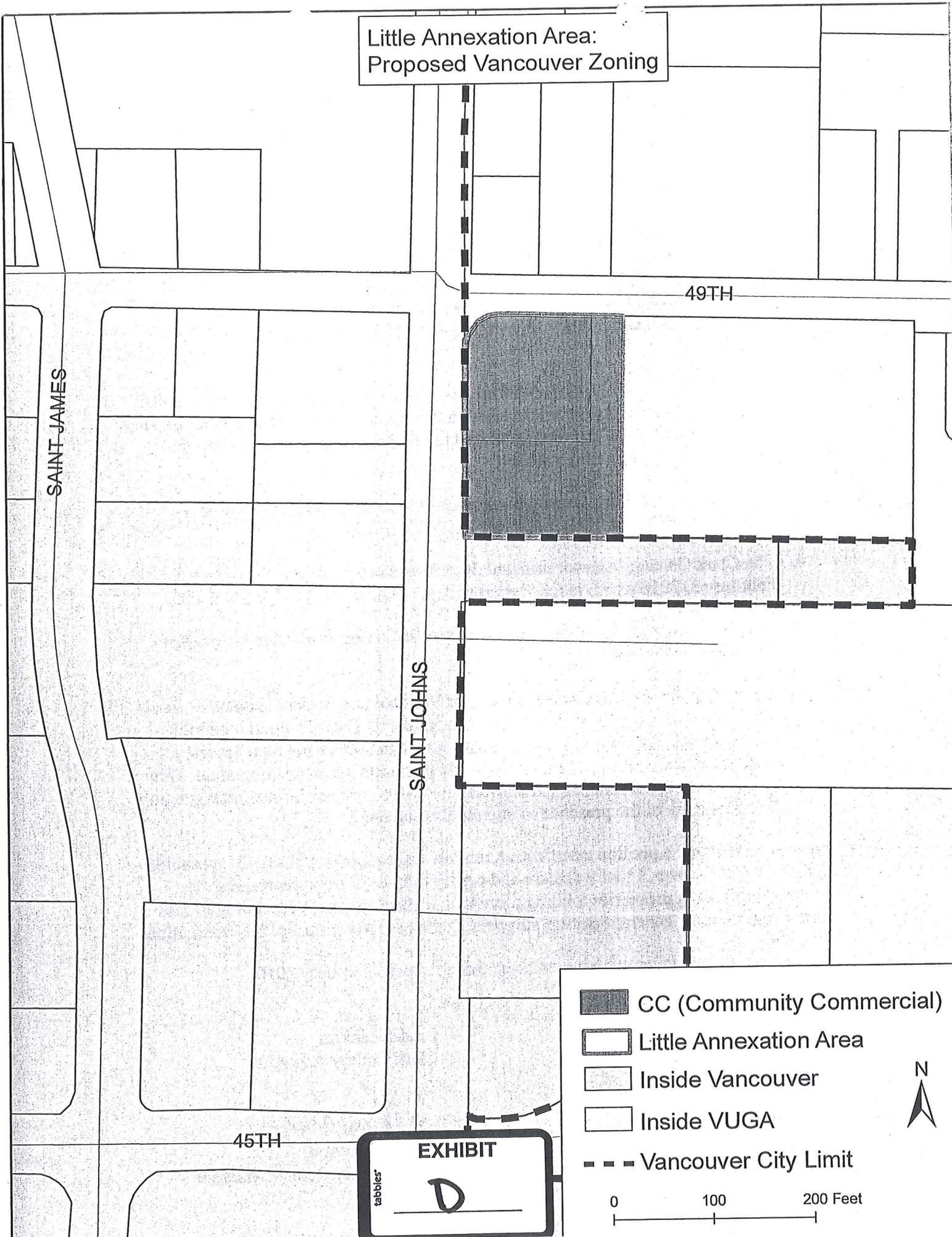
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EXHIBIT
C

- Commercial
- Little Annexation Area
- Inside Vancouver
- Inside VUGA
- Vancouver City Limit

0 100 200 Feet



Little Annexation Area:
Proposed Vancouver Zoning



- CC (Community Commercial)
- Little Annexation Area
- Inside Vancouver
- Inside VUGA
- Vancouver City Limit

0 100 200 Feet



tabbles
EXHIBIT
D

Certification of Sufficiency
Little Annexation

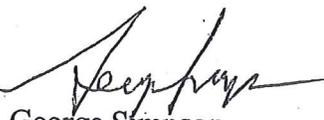
The city of Vancouver on January 14, 2010, submitted for review by the Clark County Assessor, a petition to annex to the city approximately 0.71 acres of land known as the Little Annexation. Subject to the requirements of RCW 35.21.005, I now certify the following in my capacity as Clark County Assessor:

1. On January 14, 2010 the city of Vancouver submitted for certification by the Clark County Assessor a petition to annex to the city 2 parcels of land and associated road and public utility rights-of-way, totaling approximately 0.71 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 February 3, 2010 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 \$278,400.
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 60% 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 60% 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 9th day of February 2010.

Linda Franklin
Clark County Assessor


George Simpson
Clark County Deputy Assessor

RECEIVED
FEB 09 2010
LONG RANGE PLANNING
DEPARTMENT

