



ORDINANCE NO. 2019-08

An Ordinance Approving the Annexation of Approximately 12.59 Acres of Real property to the City of La Center (Minihan) and Rezoning that Property Consistent with the La Center Comprehensive Plan

The LaCenter City Council adopts the following findings:

WHEREAS, Angela and Gerald Minihan (Proponents) are the record owners of certain real property (the "Annexation Territory"), of approximately 12.59 acres, situated in unincorporated Clark County Washington, within the LaCenter Urban Growth Area, contiguous with the corporate limits of the City of LaCenter; and

WHEREAS, the Annexation Territory consists of Parcel Nos. 209059-000 and 209055-000 located in the southwest one-quarter and northwest one-quarter of Section 2, Township 4 north, Range 1 east, of the Willamette Meridian and more precisely described and illustrated in Exhibit A, which is attached hereto and incorporated by this reference; and

WHEREAS, the Proponents presented the City with a 10% Notice of Intent to Annex on September 10, 2018 pursuant to the so-called Direct Petition Method of RCW 35A.14.120, which the City Council accepted and approved at its September 26, 2018 regular meeting; and

WHEREAS, the Proponents then submitted a 60% Petition for Annexation on October 26, 2018, which included signatures of the owners of record of 100% of the assessed value of the Annexation Territory and a legal description and map thereof; and

WHEREAS, the City caused the SEPA Determination of Non-Significance (Ecology file 201806133) relating to rezoning of the subject land to be published on November 17, 2018 and the City, thereafter, received no comments or appeals on the proposed SEPA Determination of Non-Significance; and

WHEREAS, the City provided public notice of and an opportunity for comment thereon by all interested citizens at a duly noticed public meeting on January 10, 2018; and

WHEREAS, the Clark County Assessor certified sufficiency of the proponent's petition and signatures on December 20, 2018; and

WHEREAS, the Clark County Boundary Review Board has been disbanded and therefore has no jurisdiction to invoke over the proposed annexation; and

WHEREAS, the Annexation Territory consists of two parcels (Parcel Nos. 209059-000 and 209055-000, at ~11.95 acres and ~0.64 acres, respectively), with the following current County and proposed City zoning:

| Tax Lot | Parcel No. | Current County Zoning | Proposed La Center Zoning | Acres |
|-----------------------------|------------|-----------------------|---------------------------|--------------|
| TL 34 OF SEC 2 T4N, R1E, WM | 209059-000 | R1-7.5 & UH-10 | LDR 7.5 | 11.95 |
| TL 28 OF SEC 2 T4N, R1E, WM | 209055-000 | Parks & Open Space | Park/Open Space | 0.64 |
| | | | | 12.59 |

These parcels, that comprise the Annexation Territory shall be rezoned to a City zone designation corresponding to the current County plan and zone designations; and

WHEREAS, the City Council finds that the proponent has documented and satisfied all of the requirements for annexation and that approval of this annexation and zone change is in the public interest.

NOW THEREFORE, based on the foregoing Findings, the LaCenter City Council ordains as follows:

Section 1 - Annexation. Pursuant to RCW 35A.14.120, Parcel Nos. 209059-000 and 209055-000, described and illustrated in Exhibit A (the “Annexation Territory”), attached hereto and incorporated herein by this reference, along with all public rights-of-way within and adjacent thereto, are hereby annexed, incorporated into, and made a part of the City of LaCenter.

Section 2 - Land Use Designation and Zoning for Parcel No. 209059-000. Parcel No. 209059-000 (TL 34 OF SEC 2 T4N, R1E, WM, ~11.95 ac) of the Annexation Territory shall have a City comprehensive plan designation of Urban Low density (UL) and a City zone of Low Density Residential (LDR-7.5) in accordance with LCMC Chapter 18.130. An Urban Holding (UH-10) zoning overlay shall also be applied to Parcel No. 209059-000 of the Annexation Territory pursuant to LCMC 18.190, which shall remain until a capital facilities analysis is accepted by the City pursuant to Resolution 05-262 as part of a development proposal, at which point the City will remove the Urban Holding overlay.

Section 3 - Land Use Designation and Zoning for Parcel No. 209055-000. Parcel No. 209055-000 (TL 28 OF SEC 2 T4N, R1E, WM, ~0.64 acres) of the Annexation Territory shall have a City comprehensive plan designation of Parks and Open Space and a City zone of Park/Open Space (P/OS) in accordance with LCMC Chapter 18.147.

Section 4 – Assessment and Taxation. The Annexation Territory shall be assessed and taxed by the City in the same manner as other similarly situated and zoned property within the City as of the effective date of this Ordinance.

Section 5 – Severability. If any portion of this ordinance is determined to be invalid or unenforceable for any reason, that finding shall not affect the validity or enforceability of any other provision of this ordinance.

Section 6 – Transmittal. The City Clerk shall:

1. File a certified true copy of this Ordinance, with the Clark County Board of Commissioners and the Clark County Assessor pursuant to LCMC 18.290.050.
2. Record a certified true copy of this Ordinance with the County Auditor pursuant to LCMC 18.290.050.
3. Provide notice of this annexation to the Office of Financial Management pursuant to RCW 35A.14.700.

Section 7 – Effective Date: This ordinance shall be effective 10 days following its passage by the City Council and publication as required by law.

Approved and adopted this 27th day of March 2019 by the La Center City Council.

AYES: _____
NAYS: _____
ABSTAIN: _____
ABSENT: _____

Greg Thornton, Mayor of La Center

Attest:

Approved as to Form:

Laura Martin, Clerk

Daniel Kearns, City Attorney