



ORDINANCE NO. 2019-17

An Ordinance Approving the Annexation of Approximately 9.29 Acres of Real Property Along With All Abutting Rights-of-Way to the City of La Center and Rezoning that Property Consistent with the La Center Comprehensive Plan (Peterson)

The LaCenter City Council adopts the following findings:

WHEREAS, Rodney Peterson (the "Proponent") is the record owner of approximately 9.29 acres of real property (the "Annexation Territory") situated in unincorporated Clark County Washington, within the LaCenter Urban Growth Area, contiguous with the corporate limits of the City of LaCenter, and more particularly described as follows:

A portion of the Southeast quarter of Section 33, Township 5 North, Range 1 East of the Willamette Meridian, Clark County, Washington, described as follows:

COMMENCING at a 1-inch iron bar marking the Southwest corner of the Southeast quarter of Section 33, as shown in Book 54 of Surveys, Page 16 Clark County Auditor's Records;

Thence South $88^{\circ} 17'53''$ East along the South line of the Southeast quarter of Section 33, for a distance of 1317.39 feet to the Southwest corner of the Southeast quarter of the Southeast quarter of Section 33 and the TRUE POINT OF BEGINNING;

Thence leaving said South line North $02^{\circ} 00'14''$ East along the West line of the Southeast quarter of the Southeast quarter of Section 33, for a distance of 1077.85 feet to the South right-of-way line of Northwest Pacific Highway;

Thence Southeasterly along said South right-of-way line along the arc of a 2895.00 foot radius non-tangent curve to the left (the radius point of which bears North $48^{\circ} 40'23''$ East), through a central angle of $02^{\circ} 09'19''$, for an arc distance of 108.91 feet to P.C. Station 908+23.8;

Thence South $43^{\circ} 28'56''$ East, for a distance of 223.80 feet to Station 906+00;

Thence South $46^{\circ} 31'04''$ West, for a distance 20.00 feet;

Thence South $43^{\circ} 28'56''$ East, for a distance of 500.00 feet to Station 901+00;

Thence South 46° 31'04" West, for a distance of 200 feet;

Thence South 43° 28'56" East, for a distance of 15.05 feet to the Northwesterly line of the "Hartman Parcel" as described under Clark County Auditor's File Number 5353794D, recorded 12-05-2016;

Thence leaving said South right-of-way line South 53° 54'59" West, for a distance of 102.45 feet to an angle point of said "Hartman Parcel";

Thence South 02° 19'04" West along the West line of said "Hartman Parcel", for a distance of 387.75 feet to the South line of the Southeast quarter of Section 33;

Thence North 88° 17'53" West for a distance of 492.27 feet to the TRUE POINT OF BEGINNING.

CONTAINING 9.43 acres of land, more or less.

WHEREAS, the Annexation Territory consists of Parcel Nos. 258766-000 (4.63 acres), 258631-000 (0.61 acres) and 258768-000 (4.37 acres) – TLs 151, 153 & 8 in Sec 33 T5N, R1E, WM, (~9.29 acres), with a street address of 34100 and 34214 NW Pacific Highway, La Center, WA 98629; and

WHEREAS, the Proponent presented the City with a 10% Notice of Intent to Annex on July 20, 2018 pursuant to the so-called Direct Petition Method of RCW 35A.14.120, which the City Council accepted and approved at its August 8, 2018 regular meeting; and

WHEREAS, the Proponent then submitted a 60% Petition for Annexation, 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 (City File 2019-020-ANX), including an application to rezone the property to a zone consistent with the underlying City Comprehensive Plan Designation (City File 2019-020-ZON); and

WHEREAS, the Clark County Assessor certified the sufficiency of the Proponent's petition and signatures on July 9, 2019; and

WHEREAS, on July 17, 2019 the City issued and caused to be published the SEPA Determination of Non-Significance (Ecology file No. 201904048) for rezoning the Annexation Territory to correspond to its planned designation, after which the City received no comments or appeals on the proposed SEPA Determination of Non-Significance, and it became final; and

WHEREAS, the City scheduled a public hearing at the Council's August 14, 2019 regular meeting, and provided public notice of the hearing by posting, mailing and publication in the Columbia newspaper on July 23, 2019; 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 three parcels (Parcel Nos. 258766-000, 258631-000 and 258768-000, at ~9.29 acres), with the following current Clark County zoning and proposed City zoning:

Tax Lot	Parcel No.	Current County Zoning	Proposed La Center Zoning	Acres
TL 8, SEC 33 T5N, R1E, WM	258631-000	R-12/UH-10	MDR-16/UH-10	4.37
TL 151, SEC 33 T5N, R1E, WM	258766-000	R-12/UH-10	MDR-16/UH-10	4.63
TL 153, SEC 33 T5N, R1E, WM	258768-000	R-12/UH-10	MDR-16/UH-10	0.61

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

WHEREAS, the City Council finds that the Proponent has documented the proposal 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. 258766-000, 258631-000 and 258768-000, 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 – Comprehensive Plan Designation and Zoning. Parcel Nos. 258766-000, 258631-000 and 258768-000 (TLs 151, 153 & 8 in Sec 33 T5N, R1E, WM, ~9.29 ac), comprising the Annexation Territory, shall have a City Comprehensive Plan designation of Urban Residential (UR)/Urban Holding (UH) and a City zone of Medium Density Residential (MDR-16), in accordance with LCMC Chapter 18.140. The Urban Holding (UH-10) zoning overlay shall also apply to the Annexation Territory pursuant to LCMC Chapter 18.190 and 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 – 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 4 – 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 5 – Transmittal. The City Clerk shall:

1. File a certified true copy of this Ordinance, with the Clark County Board of County Councilors 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 Washington Office of Financial Management pursuant to RCW 35A.14.700.

Section 6 – 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 14th day of August 2019 by the La Center City Council.

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

 Greg Thornton, Mayor of La Center

Attest:

Approved as to Form:

 Dustin Bailey, Clerk

 Daniel Kearns, City Attorney