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STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION
COMMISSION

July 24, 2018

Mr. Steven King, Executive Director/Secretary
Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-7250

Re: Intent to Exercise Jurisdiction over Solid Waste Collection in Newly Annexed Area:
5th Plain Creek Station Annexation

Dear Mr. King:

The City of Vancouver, a charter city of the first class, has determined that it wishes to contract for solid waste collection services within the city limits pursuant to RCW 81.77.020. This letter is to notify the Washington Utilities and Transportation Commission of the city's decision, pursuant to RCW 35.21.120 to exercise jurisdiction over the collection of solid waste within a newly annexed portion of the city limits. This annexation was authorized by Ordinance M-4236 and became effective July 3, 2018.

Included with this letter are a copy of Staff Report No. 098-18, associated Exhibits including a legal description of the 33.69 acres of land and a map of the annexation area, and Ordinance M-4236.

The City intends to contract with Waste Connections of Washington, the WUTC G-Certificate holder (certificate G-253) in this area to provide garbage, recycling and yard debris collection services.

Sincerely,

Rich McConaghy
Solid Waste Manager

Cc: Derek Ranta – Waste Connections of Washington, Inc.
Travis Dutton – Solid Waste Manager, Clark County Public Health



Staff Report 098-18

TO: Mayor and City Council
FROM: Eric Holmes, City Manager
DATE: 7/2/2018

SUBJECT 5th Plain Creek Station Annexation

Key Points

- Annexation of 33.69 acres along the northern border on Fourth Plain Boulevard generally between Ward Road and NE 156th Avenue.
- Reaffirming proposed Comprehensive Plan and zoning designations to become effective upon annexation.

Strategic Plan Alignment

Goal 1: Ensure our built urban environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest.

Goal 1, Objective 1.2: Ensure our infrastructure, including buildings and utilities, is safe, environmentally responsible and well maintained.

Goal 1, Objective 1.1: Develop and maintain a safe, balanced and innovative transportation system that will meet the needs of future generations.

Present Situation

The proposed annexation area is located within Vancouver's urban growth boundary, and is contiguous to the City of Vancouver along the northern border on Fourth Plain Boulevard generally between Ward Road and NE 156th Avenue. This annexation request contains one parcel of approximately 33.69 acres and also includes the 152nd Avenue right-of-way abutting the site to the west. The applicant proposed to change the Comprehensive Plan and zoning designations for the site.

Council first met with the applicant on January 8, 2018, and passed Resolution M-3957 to proceed. The applicant then applied to change the site Comprehensive Plan and zoning designation with an associated development agreement through the Planning Commission. The

Planning Commission recommended approval to City Council through a public hearing held on March 13, 2018. City Council approved the Comp Plan / zone change Ordinance M-4231 on May 21, 2018.

Advantage(s)

1. Supports request of property owner annexation request.
2. Annexes into the City an area where the City is already providing fire, water and sewer services.
3. Proposed area is expected to positively impact the City's financial situation.
4. Ensures future development will conform to City development standards.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

- November 29, 2017 - Workshop for annexation
- January 8, 2018 - Public Meeting for annexation (Resolution M-3957)
- April 16, 2018 - Workshop Comp Plan / Zone change
- May 7, 2018 - Consent for Comp Plan / Zone change
- May 21, 2018 - Adoption of Ord. M4231 for Comp Plan / Zone change
- June 25, 2018 - First reading of annexation ordinance.

Action Requested

On Monday, July 2, 2018, subject to second reading and public hearing, approve ordinance.

Rebecca Kennedy, Long Range Planning Manager, 487-7896; Bryan Monroe, Associate Planner, 487-7958; Brent Boger, Assistant City Attorney, 487-8500

ATTACHMENTS:

- ▢ 5th Plain Creek Station Annexation Ordinance
- ▢ 5th Plain Creek Station Annexation Legal desc
- ▢ 5th Plain Creek Station Annexation Boundary Map
- ▢ 5th Plain Creek Station Annexation Comp Plan Map
- ▢ 5th Plain Creek Station Annexation Petition
- ▢ 5th Plain Creek Station Annexation Petition Certification
- ▢ 5th Plain Creek Station Res. to proceed
- ▢ 5th Plain Creek Station Annexation Comp Plan Zone Change Ord

06/25/18
07/02/18

ORDINANCE NO. _____

AN ORDINANCE relating to the approval of the 5th Plain Creek Station annexation pursuant to RCW 35.13.150; establishing the geographic extent, confirming 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 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 Chapter 36.70A RCW, the City of Vancouver has an urban growth area designated under the Growth Management Act; and,

WHEREAS, the proposed annexation area is in Vancouver's urban growth boundary, and is contiguous to the City of Vancouver along the northern border of Fourth Plain Boulevard generally between Ward Road and NE 157th Ave; and,

WHEREAS, pursuant to RCW 35.13.125, the City of Vancouver received a signed initiation annexation petition from property owner for 100% of the assessed value of land within the defined annexation area; and,

WHEREAS, pursuant to RCW 35.13.125, on January 8, 2018, Vancouver City Council met with the interested parties, considered public testimony, and approved Resolution M-3957 accepting the annexation request; defining the geographic extent of the proposed annexation; requiring the

simultaneous adoption of the comprehensive plan and zoning designations; and not requiring assumption of all or any portion of the existing city indebtedness by the area to be annexed; and,

WHEREAS, on April 2, 2018, the City of Vancouver submitted the applicant's annexation petition to the Clark County Assessor having the signatures of owners of property within the annexation area owning at least sixty percent of the total assessed value of the area proposed for annexation; and

WHEREAS, pursuant to RCW 35.21.005, on April 12, 2018, the Clark County Assessor certified that the signature represents support from over sixty percent of the total assessed valuation of the area proposed for annexation; and

WHEREAS, the Vancouver City Council held duly noticed public hearings to consider the proposed annexation and, pursuant to RCW 35.13.150, determined that the annexation should be made; and

WHEREAS, the Vancouver City Council held duly noticed public hearings on a proposed comprehensive land use plan to become effective upon the annexation of the area, pursuant to RCW 35.13.177 and VMC 20.230.030, and determined upon annexation the Comprehensive Plan designation and zoning designations will change.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Approval of Annexation: Pursuant to Chapter 35.13 RCW, the annexation of the 5th Plain Creek Station annexation area to the City of Vancouver is hereby approved. The annexation area is located in Vancouver's unincorporated urban growth boundary, north of the current City limits generally north of Fourth Plain Boulevard between Ward Road and NE 157th Avenue. The legal description of the annexation boundary is set forth in Exhibit "A", attached

hereto and incorporated herein. A 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 20.230.030 and RCW 35.13.177, and as provided in Ordinance M-4231 adopted by the City Council on May 21, 2018 and reaffirmed after a second public hearing on July 2, 2018, the designated Comprehensive Plan and zoning designations for the land proposed for annexation shall change. Upon annexation the Comprehensive Plan designation will change from Mixed Use (MX) to Urban High Density (UH) and Commercial (COM). The underlying zoning designations will change from Mixed Use (MX) to R-18 and General Commercial (GC). The comprehensive plan and zoning designations provided for herein are shown on the maps attached hereto and incorporated herein as Exhibits "C" and "D".

Section 3. Indebtedness: As provided in Resolution M-3957 adopted by the City Council on January 8, 2018, the City will not require the property owners within the annexation boundary to accept any of the existing indebtedness.

Section 4. Filing with Clark County: The City Clerk shall cause a certified copy of this ordinance to be filed with the clerk of the Clark County Council in accordance with RCW 35.13.150. The City Clerk shall cause a copy of this ordinance and ordinance M-4231 to be filed with the Clark County auditor in accordance with RCW 35.13.178.

Section 5. Certificate of Annexation. The City Clerk will cause the certificate required under RCW 35.13.260 to be filed with the office of financial management within thirty (30) days of the effective date of annexation.

Section 6. Effective Date: This ordinance shall become effective July 3, 2018.

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Signed this _____ day of _____, 2018.

Anne McEnergy-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk
By: Carrie Lewellen, Deputy City Clerk

E. Bronson Potter, City Attorney

SUMMARY

ORDINANCE NO. _____

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 5th Plain Creek Station annexation on July 3, 2018.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 159108-000

Parcel I

The Southwest quarter of the Northwest quarter of Section 12, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington.

EXCEPT the South 28.28 rods of the East 28.28 rods.

ALSO EXCEPT the following described parcel of property:

COMMENCING at the Southwest corner of the Northwest quarter of said Section 12;

Thence North 01°30'26" East along the West line of said Northwest quarter of Section 12, 951.26 feet to the South line of that tract conveyed to Ronald E. Raley by deed recorded under Auditor's File # G714092 of Clark County Records and the TRUE POINT OF BEGINNING;

Thence South 01°30'26" West along said West line 250.47 feet to the South line of that tract conveyed to Torrence L. Speights by deed recorded under Auditor's File # G375849 of Clark County Records;

Thence South 01°30'26" West along said West line 3.79 feet to a point which bears North 88°37'05" West from a 1/2" iron rod set by Olson Engineering Inc. in 1976 as shown on the Record of Survey recorded in Book 4 of Surveys at Page 192 of Clark County Records;

Thence South 88°37'05" East 11.44 feet to said 1/2" iron rod;

Thence North 01°10'13" East 252.36 feet to another 1/2" iron rod set by Olson Engineering, in said Record of Survey;

Thence continuing North 01°10'13" East 1.89 feet to a point which bears South 88°37'05" East from the True Point of Beginning;

Thence North 88°37'05" West 9.94 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPT that portion lying within NE Fourth Plain Blvd./Road.

ALSO EXCEPT that portion acquired by the State of Washington by the Stipulated Judgment and Decree of Appropriation filed November 6, 2002, under Clark County, Washington Superior Court Case No. 01-2-00977-3.

Parcel II

That portion of the Northwest quarter of the Northwest quarter of Section 12, Township 2 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

Beginning at a 1/2 inch iron pipe marking the Southeast corner of Lot 22 of "Mountain View Meadows",

EXHIBIT "A"
Legal Description

according to the plat thereof recorded in Volume G of plats at page 924, records of Clark County, Washington;

Thence North $01^{\circ}26'54''$ East, along the East line of said Lot 22, a distance of 0.93 feet to an existing fence line and the TRUE POINT OF BEGINNING;

Thence South $87^{\circ}59'25''$ East, along an existing fence line, 82.87 feet to a fence corner;

Thence continuing along an existing fence line, South $32^{\circ}00'07''$ East, 7.33 feet to the South line of the Northwest quarter of the Northwest quarter of said Section 12;

Thence North $88^{\circ}15'37''$ West, along the South line of the Northwest quarter of the Northwest quarter of said Section 12, a distance of 86.90 feet to the Southerly prolongation of the East line of said Lot 22;

Thence North $01^{\circ}26'54''$ East, to and along the East line of said Lot 22, a distance of 6.48 feet to the TRUE POINT OF BEGINNING.

Also that portion of the Southwest quarter of the Northwest quarter of the Northwest quarter of said Section 12, lying Southerly of the South line of said plat of "Mountain View Meadows".

EXHIBIT "A"
Legal Description

152nd Ave Right of Way

A tract of land lying in the Southeast 1/4 of the Northeast 1/4 of Section 11, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington said tract being more particularly described as follows:

Beginning at the Southeast corner of the Northeast Quarter of said Section 11 as shown on Sheet 2 of the Autumn Walk subdivision recorded in Book 311, Page 61 records of Clark County, WA;

Thence North $1^{\circ} 30' 14''$ East along the East line of said quarter section 86.76 feet to the Southeast corner of said subdivision, said point being the True Point of Beginning and the North line of the Vancouver City Limits as defined in Burnt Bridge Creek Annexation recorded in Ordinance M-3742 and Birtcher Annexation recorded in Ordinance M-3641;

Thence North $1^{\circ} 30' 14''$ East 530.45 feet to the Southeast corner of Lot 1 of said subdivision;

Thence North $88^{\circ} 29' 46''$ West 41.54 feet to the Southwest corner of Lot 1 of said subdivision;

Thence crossing NE 70th Street southerly to the north end of a non-tangent 12 foot radius curve defining the Northeast boundary of Lot 29 of said subdivision;

Thence southeasterly along said curve to the right 18.85 feet with a chord bearing of South $43^{\circ} 29' 45''$ East and a chord distance of 16.97 feet per said subdivision;

Thence South $1^{\circ} 30' 14''$ West 134.72 feet along the East line of Lot 29 and Lot 30 to a point of curvature of a 12 foot radius curve to the right;

Thence southwesterly along said curve 18.85 feet to the right with a delta angle of $90^{\circ} 00' 00''$ per said subdivision;

Thence North $88^{\circ} 29' 45''$ West 4.50 feet to an inside corner on the southeast boundary of Lot 30 of said subdivision;

Thence South $1^{\circ} 30' 14''$ West 8.50 feet to the southernmost southeast corner of Lot 30 of said subdivision;

Thence crossing NE 69th Street southerly to a the most northern northeast corner of Lot 63 of said subdivision;

Thence South 1° 30' 14" West 8.50 feet to an inside corner of the north line of Lot 63 of said subdivision;

Thence South 88° 29' 45" East 4.50 feet to a point of curvature of a 12 foot radius curve to the right;

Thence southeasterly along said curve with a delta angle of 90° 00' 00" 1.50 feet to the most easterly northeast corner of Lot 63 of said subdivision, also being the northwest corner of TRACT B of said subdivision;

Thence continuing along said curve 17.35 feet to a point of tangency on the East line of said TRACT B;

Thence South 1° 29' 22" West 152.12 feet as shown on said subdivision;

Thence South 6° 38' 00" West 39.15 feet as shown on said subdivision;

Thence South 1° 30' 14" West 58.87 feet as shown on said subdivision;

Thence South 7° 34' 49" West 11.01 feet to a point on the South line of said subdivision and the North right-of-way line of Fourth Plain Boulevard as shown on said subdivision, being a point of curvature of a non-tangent curve to the right with a radius of 14,875.00 feet and the North line of the Vancouver City Limits line as defined in said Birtcher Annexation;

Thence easterly along said city limits and said curve to the right 34.18 feet, with a chord bearing of North 89° 29' 06" East and a chord length of 34.18 feet to the True Point of Beginning.

Approximate area described is 17,495 square feet.

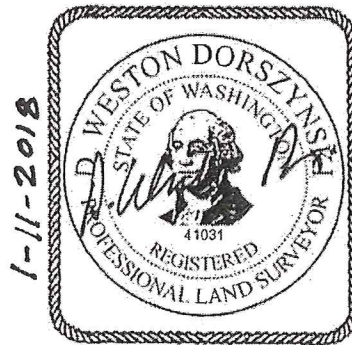


Exhibit B: Annexation Boundary

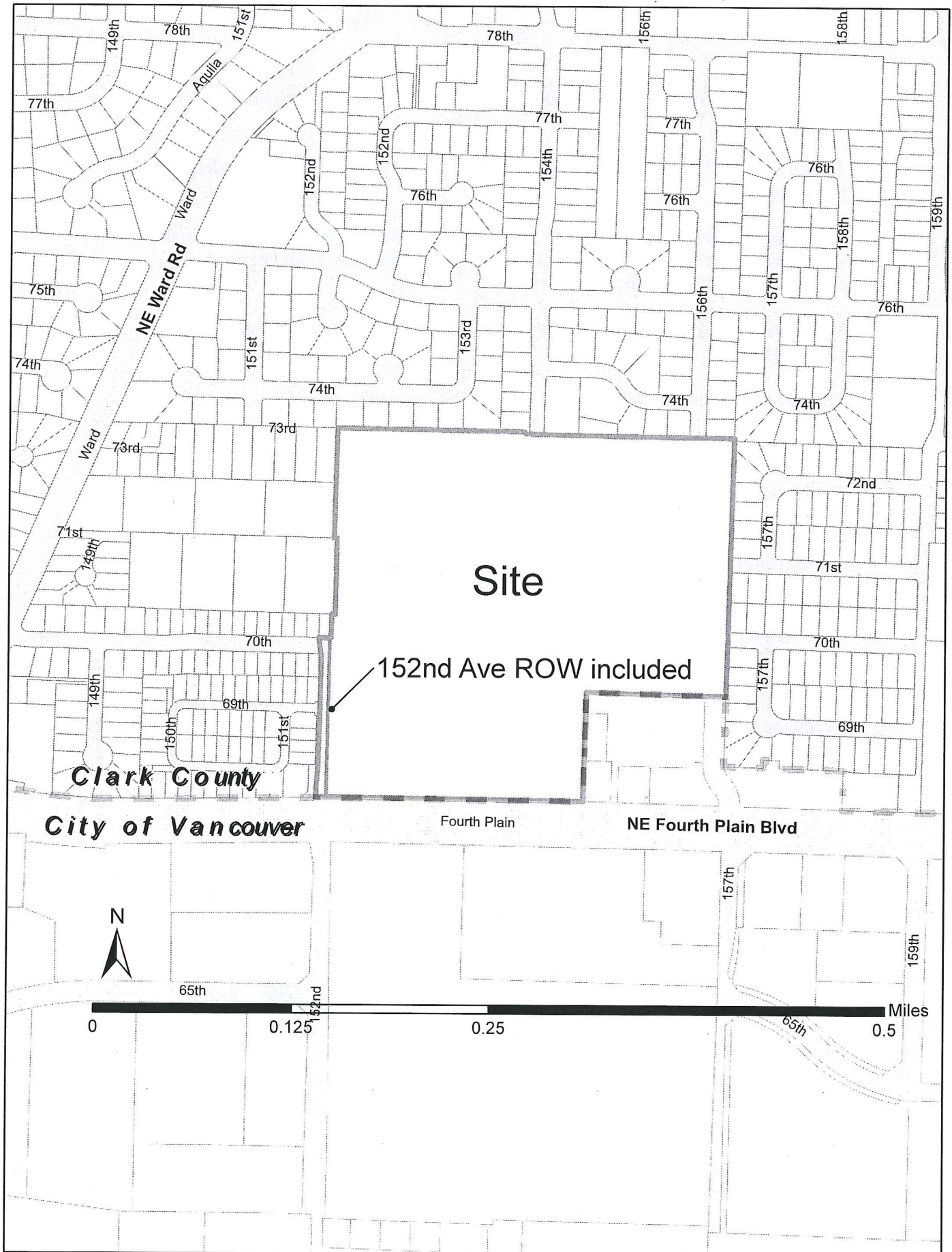
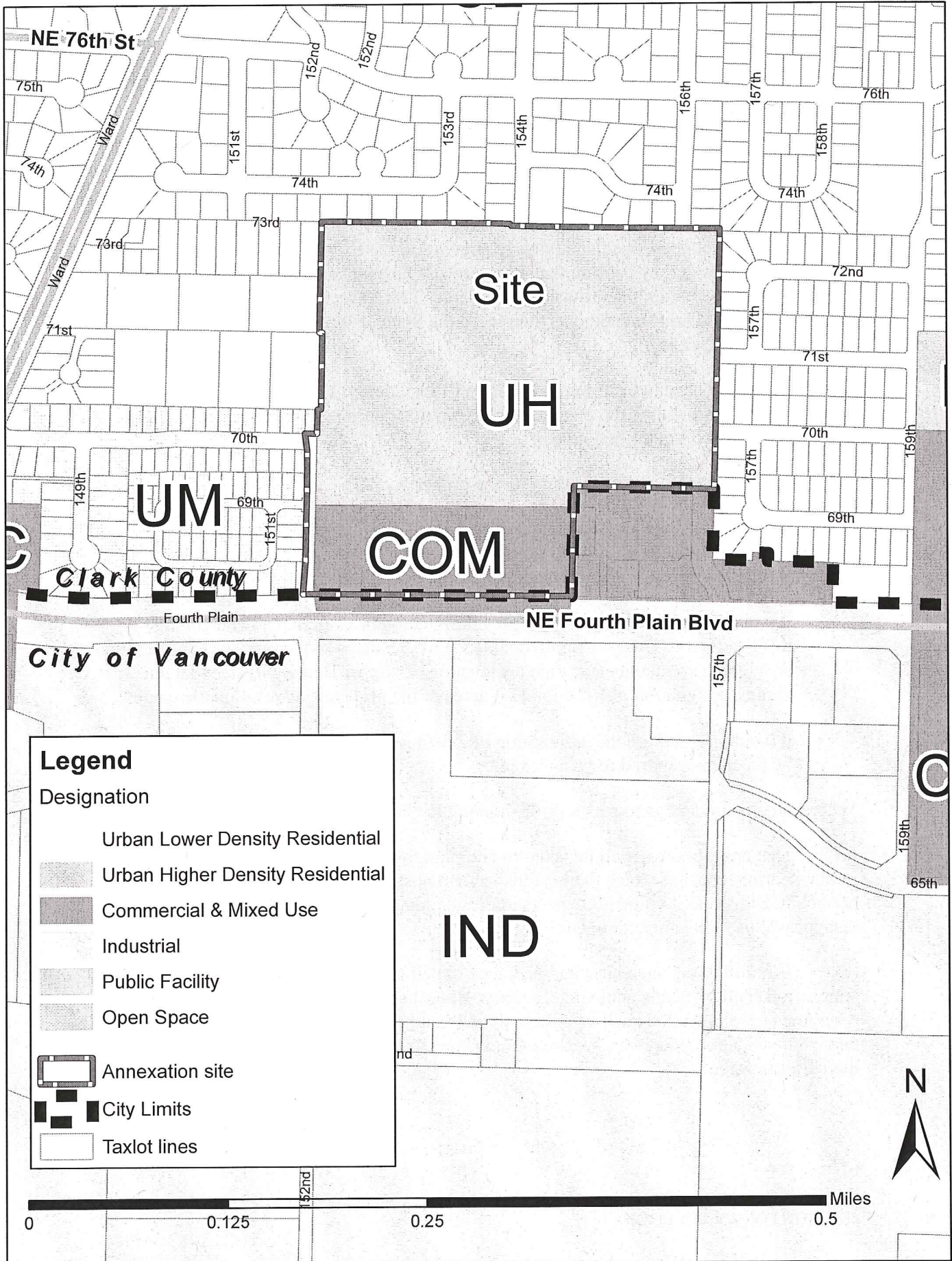


Exhibit C: Proposed Comp Plan



**PETITION FOR ANNEXATION
TO THE CITY OF VANCOUVER, WASHINGTON**

To the Honorable Mayor and City Council of the City of Vancouver, Washington.

The undersigned, being the owner of one hundred percent (100%) of the acreage of the real property herein described and lying contiguous to the City of Vancouver, Washington, does hereby petition that such territory be annexed to and made a part of the City of Vancouver under the provisions of Chapter 128, Laws of 1945, Chapter 331, Laws of 2003, and any amendments thereto, of the State of Washington (RCW 35.13.001, *et seq.*).

The territory proposed to be annexed is within Clark County, Washington, and the boundaries are outlined on the plat accompanying this Petition. The property is legally described Exhibit "A" attached hereto.

There are no registered voters residing on the property.

The City Council of the City of Vancouver met with the initiating party at a council meeting on January 8, 2018, and did determine that the City of Vancouver would accept the proposed annexation. At said meeting the City Council did also determine that:

- It would adopt a comprehensive plan designation of Commercial and zoning designation of General Commercial (CG) for 5.9 acres of the proposed annexation area, and a comprehensive plan designation of Higher Density Residential and zoning designation of R-18 for 27.4 acres of the proposed annexation area; and,
- It would not require the assumption of existing City of Vancouver indebtedness by the area proposed to be annexed.

Wherefore, the undersigned petitions the honorable City Council and asks:

(a) That appropriate action be taken to entertain this Petition, fixing a date for a public hearing, causing notice to be published and posted, specifying the time and place of such hearing, and inviting all persons interested to appear and voice approval or disapproval of such annexation; and

(b) That following such hearing, the City Council determine by ordinance that such annexation shall be made, annexing the above described territory, and declaring the date whereon such annexation shall be effective; and that property so annexed shall become a part of the City of Vancouver, Washington, subject to its laws and ordinances then and thereafter in force.

Petition for Annexation to the City of Vancouver

The petitioner subscribing hereto agrees that all property within the territory hereby sought to be annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Vancouver, including assessments or taxes in payment of any bonds issued or debts contracted prior to or existing at the date of annexation.

| <u>Date</u> | <u>Name</u> | <u>Address</u> |
|-------------|--|--|
| 11/6/17 | <u>JoAnn Toedtli</u> JoAnn Toedtli, Trustee of the Connie A. Toedtli Credit Shelter Trust – State QTIP dated August 29, 2009, as to an undivided 14.5% interest | 6107 NE 241ST CT VANCOUVER WA 98682 |
| 11/6/17 | <u>JoAnn Toedtli</u> JoAnn Toedtli, Trustee of the Connie A. Toedtli Credit Shelter Trust dated August 29, 2009, as to an undivided 19.25% interest | 11 |
| 11/6/17 | <u>JoAnn Toedtli</u> JoAnn Toedtli, Trustee of the Connie A. Toedtli QTIP Trust dated August 29, 2009, as to an undivided 16.25% interest | 11 |
| 11/6/17 | <u>JoAnn Toedtli</u> JoAnn Toedtli, as her separate estate as to an undivided 50% interest | 11 |



proud past, promising future

CLARK COUNTY
WASHINGTON

DEPARTMENT OF ASSESSMENT

Peter Van Nortwick, Assessor

April 12, 2018

Bryan Monroe
Community and Economic Development Department
PO Box 1995
Vancouver, WA 98668

Dear Bryan,

You will find enclosed the Certification of Sufficiency of the petition for annexation of land to the City of Vancouver: 5th Plain Creek Station.

Please contact me should you have any questions regarding this annexation.

Sincerely,

Peter Van Nortwick
Clark County Assessor

Encls.
Certificaiton of Sufficiency
Annexation Legal Description
Annexation Map.

1300 Franklin Street • P. O. Box 5000 • Vancouver, WA 98666-5000 • tel: 360.397.2391 • fax: 360.397.6046 •


Certification of Sufficiency
Van Mall North Annexation

The City of Vancouver on April 2nd, 2018 submitted for review by Clark County Assessor, a petition to annex to the City, approximately 33.34 acres of land known as the 5th Plain Creek Station annexation. Subject to the requirements of RCW 35.21.005, I now certify the following in my capacity as Clark County Assessor:

1. On April 2nd, 2018 the City submitted for certification by the Clark County Assessor a petition to annex to the City one (1) parcel of land and associated road and public utility rights-of-way, totaling approximately 33.34 acres.
2. The legal description and map of the area proposed for annexation, as provided by the City, 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 60% method of annexation, 35.13.125 through 170.
4. The Clark County Assessor initiated determination of petition sufficiency on April 2, 2018 which is the "terminal date" as defined in 35.21.005.
5. The area proposed for annexation has a certified annexation value for general taxation of \$6,015,500.
6. Petition signatures provided by the city represent valid owner signatures 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, 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 April 12, 2018.



Peter Van Nortwick
Clark County Assessor

01/08/18

RESOLUTION NO. M-3957

A RESOLUTION relating to an annexation request using the 60% direct petition method pursuant to RCW 35.13.125 establishing the annexation geographic area, determining the process for the comprehensive plan and land use designations, and determining whether the property owners will assume all or any portion of existing City indebtedness for the proposed annexation area; and providing for an effective date.

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 proposed Annexation area is located in Vancouver's urban growth boundary, and is contiguous to the City of Vancouver along the northern border on Fourth Plain Boulevard generally between Ward Road and 162nd Avenue; and

WHEREAS, pursuant to RCW 35.13.125, the owners of more than 10% of the assessed valuation of an area proposed for annexation have submitted annexation initiation petitions; and

WHEREAS, pursuant to RCW 35.13.125, the Vancouver City Council scheduled and advertised a public meeting with the interested parties to decide whether to accept, reject or geographically modify the proposed annexation area; whether to require simultaneous adoption of comprehensive plan and land use zoning designations as provided for in VMC 20.230.030;

RESOLUTION - 1

and whether to require assumption of all or any portion of the existing city indebtedness by the area to be annexed.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. Pursuant to Ch. 35.13 RCW, and as discussed in Staff Report 004-18, the 33.69 acre 5th Plain Creek Station Annexation area is unincorporated land located in Vancouver's urban growth boundary, and is contiguous to the City of Vancouver along northern border on Fourth Plain Boulevard generally between Ward Road and 162nd Avenue. The legal description of the annexation area is set forth in Exhibit "A", attached hereto and incorporated herein. A map of the annexation area is set forth in Exhibit "B", attached hereto and incorporated herein. The City will also annex the 152nd Avenue right of way abutting the subject annexation site to the west.

Section 2. 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 the most similar to the county zoning designations of such land, unless adoption of different designations are approved by Council. The site is currently designated as MX in Clark County for both comprehensive plan and zoning. Using the conversion under VMC 20.230.030B the site would convert to the City's corresponding COM (Commercial) comprehensive plan designation and MX zoning. The attached exhibits "C" and "D" graphically show the standard comprehensive plan and zoning conversions. In this case, the applicant is seeking to change the existing Comprehensive Plan designation from MX to COM and UH and the existing zoning designation of the site from MX to CG and R-18. The attached exhibits "E" and "F" graphically show the

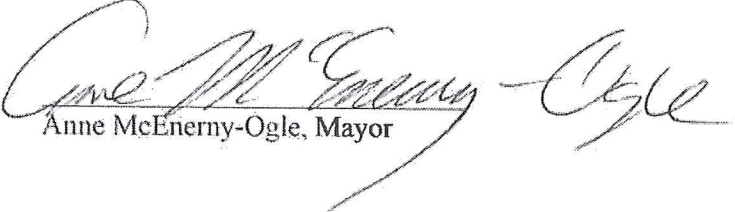
RESOLUTION - 2

proposed comprehensive plan and zoning conversions. The applicant is proposing to complete the Comprehensive Plan and Zone Change process through the Planning Commission and City Council prior to returning to City Council for the final annexation ordinance hearing.

Section 3. Currently there is no City indebtedness for the annexation area to assume therefore assumption of existing debt is not required.

Section 4. This resolution shall become effective immediately upon adoption, and as provided in RCW 35.13.125, is not subject to appeal.

Signed this 8th day of January 2018.


Anne McEnerny-Ogle, Mayor

Attest:



Natasha Ramras, City Clerk
By: Carrie Lewellen, Deputy City Clerk

Approved as to form:



E. Bronson Potter, City Attorney

RESOLUTION - 3

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel I:

The Southwest quarter of the Northwest quarter of Section 12, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington.

Except the South 466.62 feet of the of the East 466.62 feet thereof.

ALSO EXCEPT any portion lying within Fourth Plain Road.

Parcel II:

That portion of the Northwest quarter of the Northwest quarter of Section 12, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, described as follows:

Beginning at a 1/2 inch iron pipe marking the Southeast corner of Lot 22 of "Mountain View Meadows", according to the plat thereof recorded in Volume G of plats at page 924, records of Clark County, Washington;

Thence North 01°26'54" East, along the East line of said Lot 22, a distance of 0.93 feet to an existing fence line and the TRUE POINT OF BEGINNING;

Thence South 87° 59'25" East, along an existing fence line, 82.87 feet to a fence corner;

Thence continuing along an existing fence line, South 32°00'07" East, 7.33 feet to the South line of the Northwest quarter of the Northwest quarter of said Section 12;

Thence North 88°15'37" West, along the South line of the Northwest quarter of the Northwest quarter of said Section 12, a distance of 86.90 feet to the Southerly prolongation of the East line of said Lot 22;

Thence North 01°26'54" East, to and along the East line of said Lot 22, a distance of 6.48 feet to the True Point of Beginning.

EXCEPT any portion lying within public roadways.

ALSO

That portion of the Southwest quarter of the Northwest quarter of the Northwest quarter of said Section 12, lying Southerly of the South line of said plat of "Mountain View Meadows".

EXCEPT any portion lying within public roadways.

Exhibit B



0 0.125 0.25 0.5 Miles

Exhibit C Standard Comp Plan Conversion

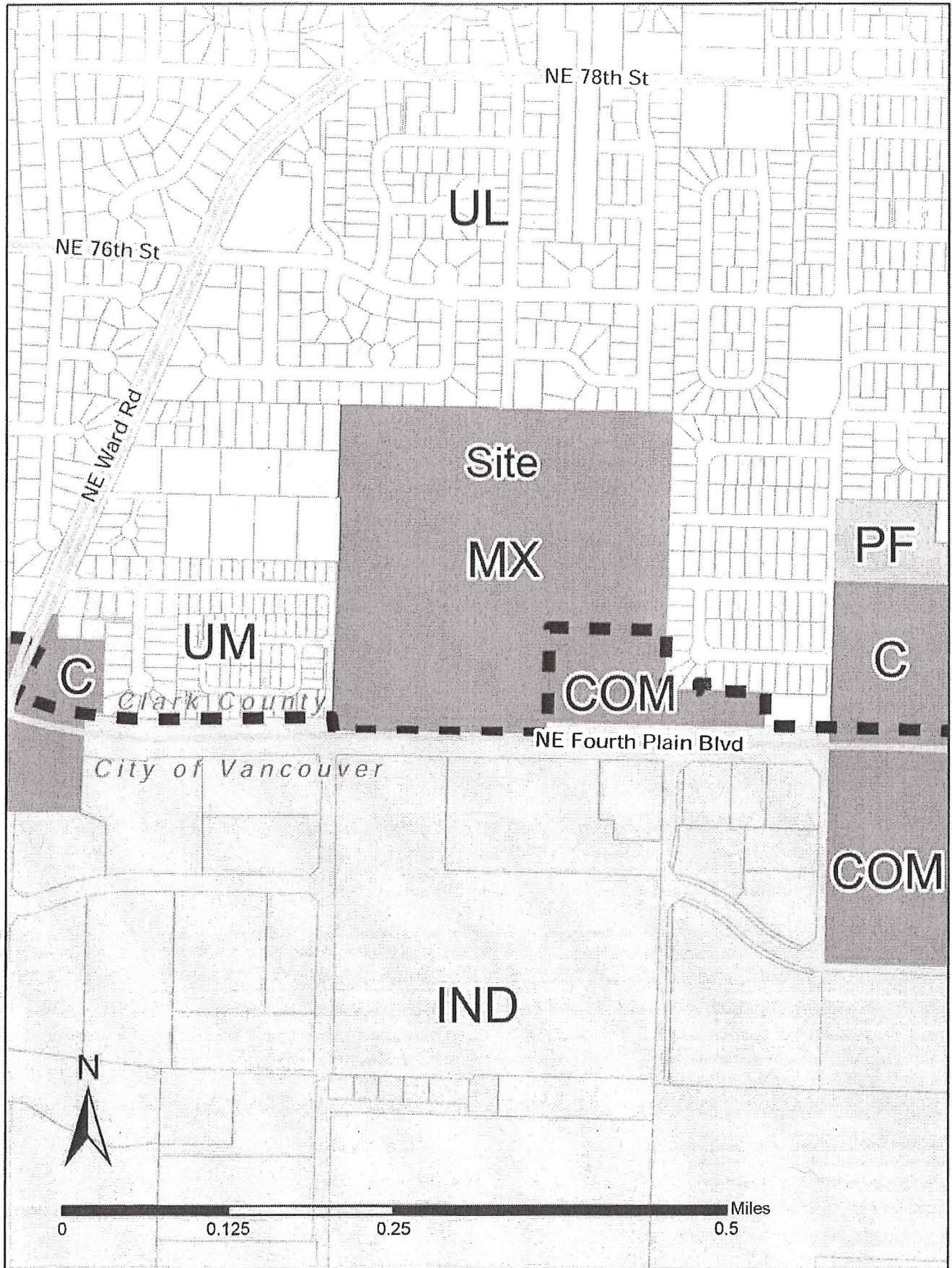


Exhibit D Standard Zoning Conversion

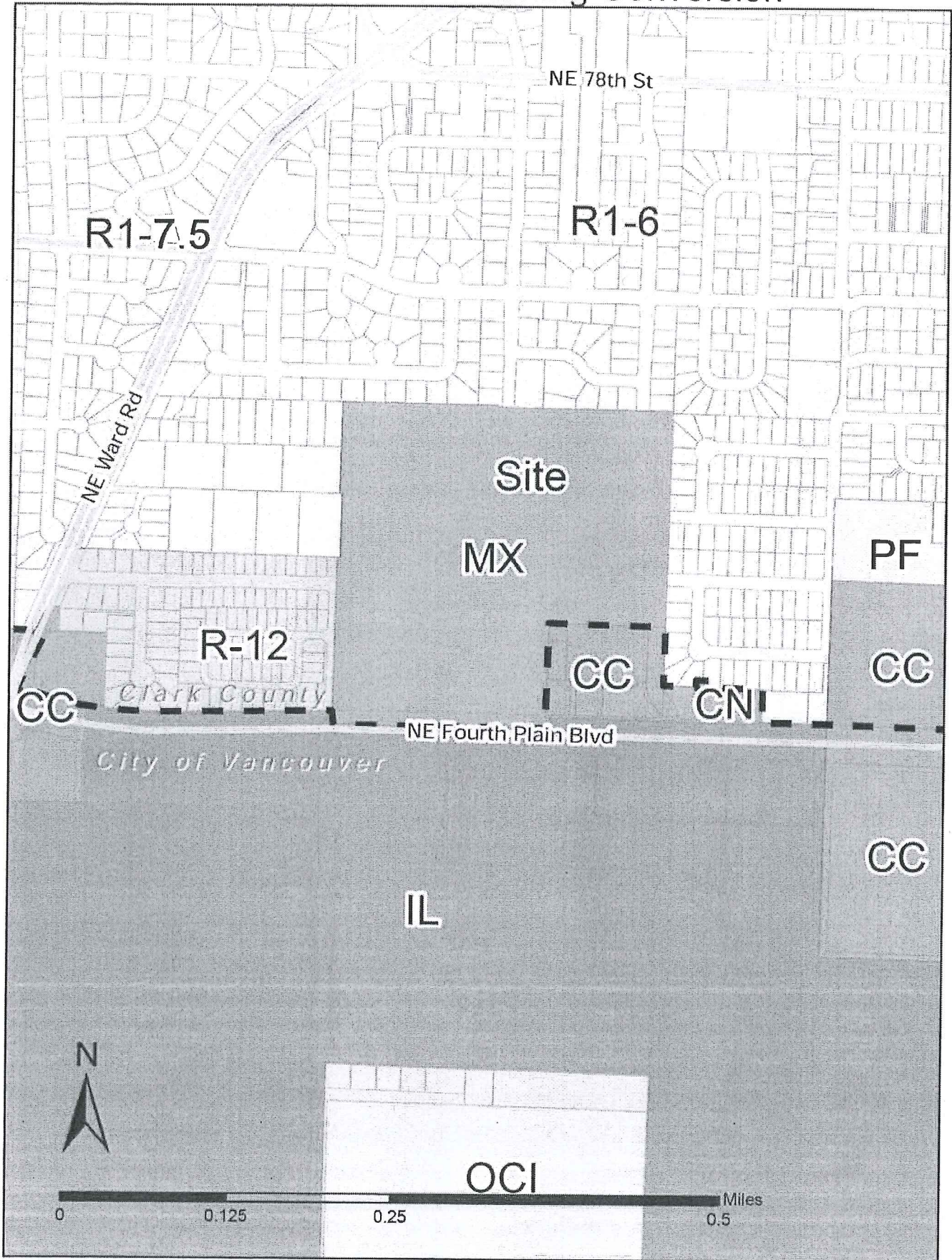


Exhibit E Applicant Proposed Comp Plan

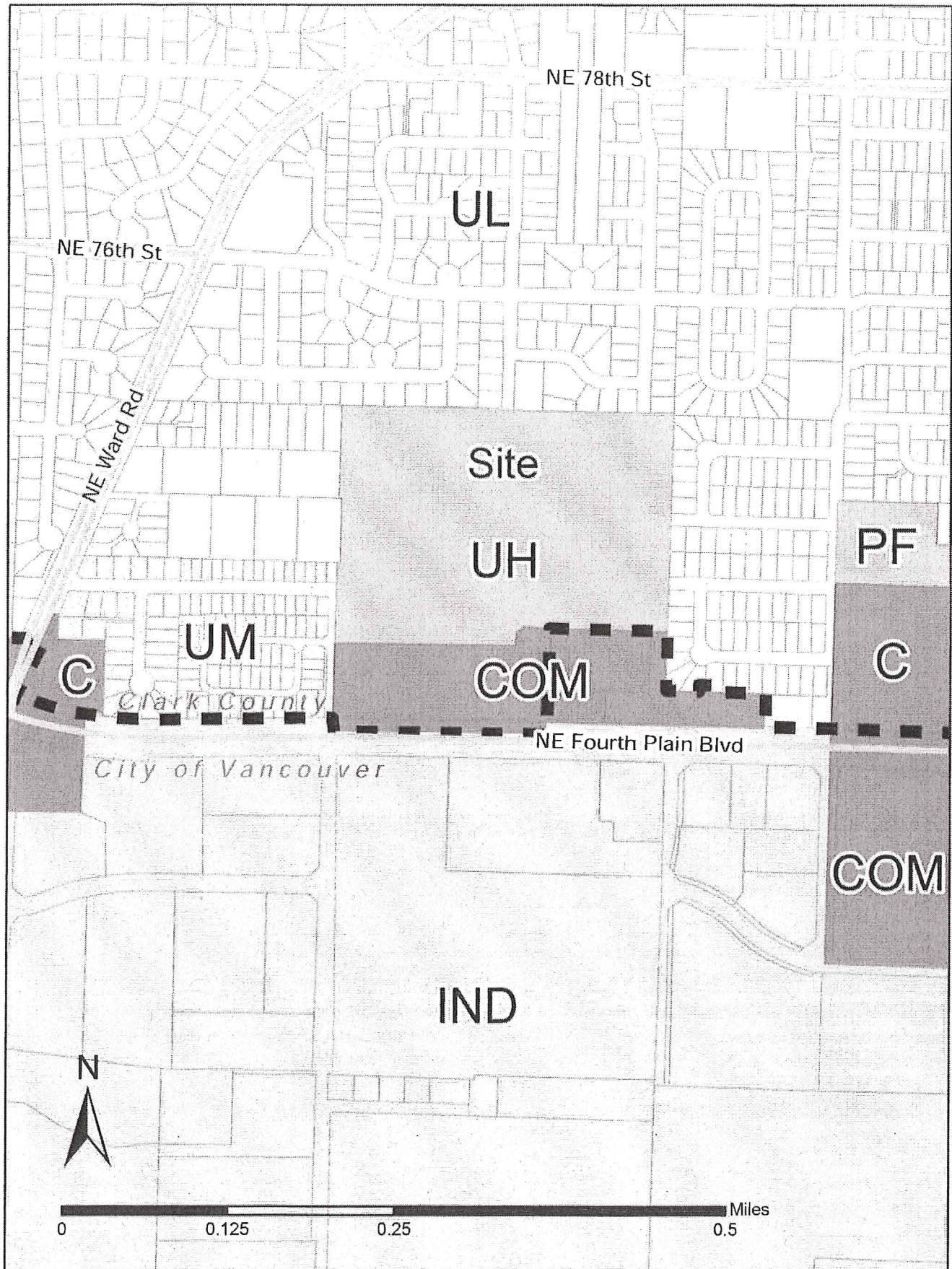
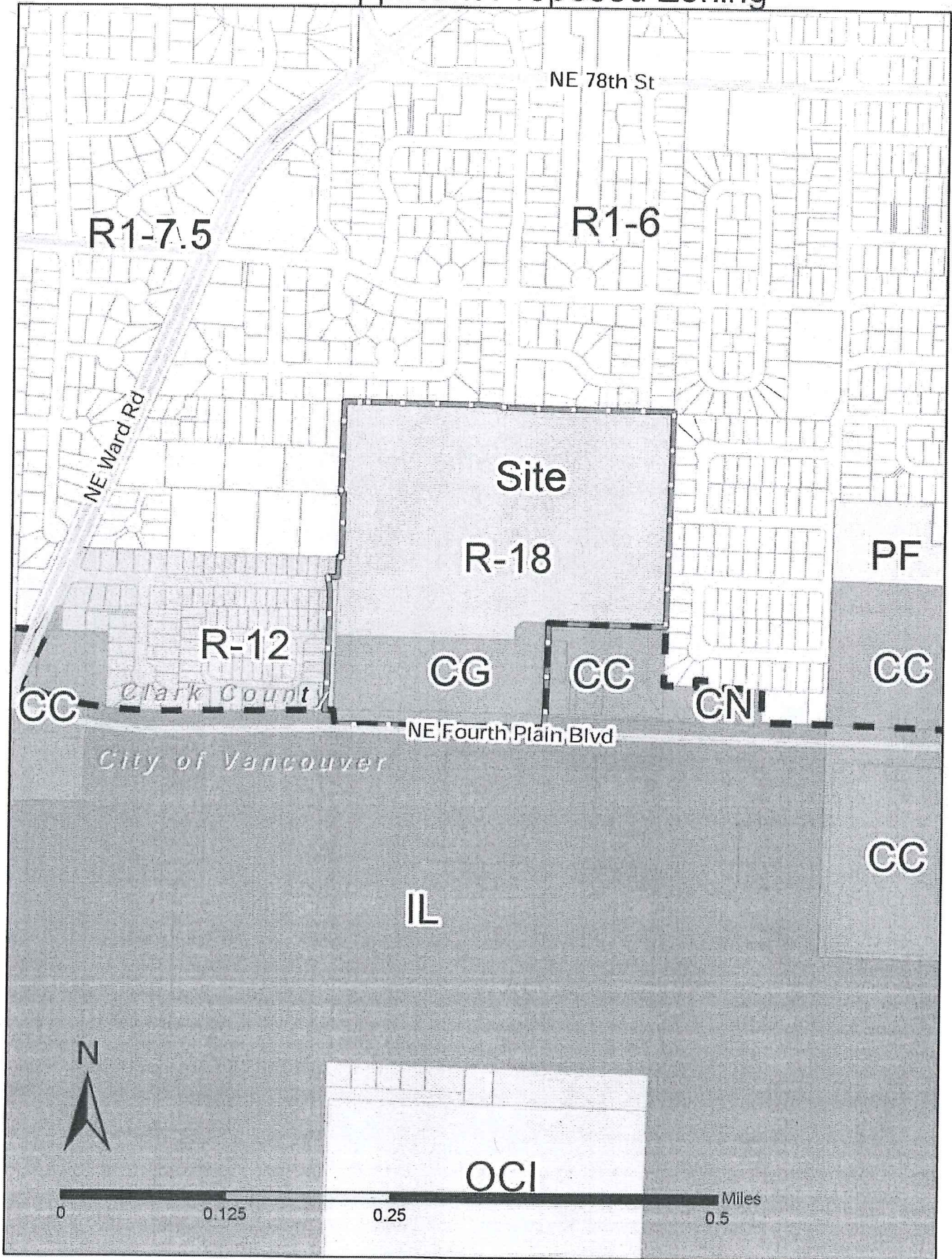


Exhibit F Applicant Proposed Zoning



05/07/18
05/21/18

ORDINANCE NO. M-4231

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; establishing Vancouver Comprehensive Plan and Zoning map designations for a property at 15306 Fourth Plain Boulevard which has requested annexation to the City of Vancouver, and authorizing the City Manager to enter into a Development Agreement, attached hereto as Exhibit A.

WHEREAS, pursuant to the Growth Management Act the City Council has adopted a Comprehensive Plan for the City of Vancouver (Ordinance M-3994), and Title 20 zoning standards (last amended through Ordinance M-4223; and

WHEREAS, the property is currently located in unincorporated Clark County, and is designated Mixed Use and MX by the County Comprehensive Plan and zoning map. Property owner Joann Toedtli proposed annexation to the City of Vancouver on November 9, 2017, and requested that pending annexation, the City establish Comprehensive Plan and zoning map designations of Urban High Density and R-18 on the northern approximately 27 acres of the site, and General Commercial and CG on the southern approximately 5 acres; and

WHEREAS, the Vancouver City Council formally initiated the annexation review process at a public meeting on January 8, 2018, at which time the City Council directed the Vancouver Planning Commission to review the Comprehensive Plan and zoning map designations proposed by the applicant and make recommendations; and

WHEREAS, the Vancouver Planning Commission reviewed the proposed changes at a duly advertised work session on February 13, 2018, and duly advertised public hearing on March

ORDINANCE - 1

13, 2018, and at that hearing voted unanimously to recommend establishment of Comprehensive Plan and zoning map designations at the site proposed by the applicant, and authorization of the Development Agreement; and

WHEREAS, the City Council finds and concludes that the proposed establishment of Comprehensive Plan and zoning map designation changes and accompanying Development Agreement are consistent with all relevant criteria for Comprehensive Plan and Zoning Plan Map and Text Amendments (VMC 20.60 and 20.285) and consistent with the policies and provisions of the Comprehensive Plan and the Growth Management Act pursuant to the requirements of Chapter 36.70A. RCW; and

WHEREAS, the City Council conducted a duly advertised public work session on April 16, 2018, first reading on May 7, 2018, and public hearing on May 21, 2018, following which the Council adopted the Planning Commission recommendations for approval; and

WHEREAS, the cumulative environmental impacts of the proposed Comprehensive “Plan and zoning changes have been reviewed and determined to be nonsignificant pursuant to the State Environmental Policy Act. Notices of Determination of Non-significance (DNS) were issued on September 8, 2017 for the proposed Comprehensive Plan and zoning text and map changes, and no SEPA comments or appeals were received; and

WHEREAS, the City Council believes that the proposed changes are consistent with the relevant comprehensive plan policies that encourage orderly development within the community; and

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings and Conclusions. The Planning Commission findings and

conclusions as set forth in the staff report for the March 13, 2018 public hearing, are hereby adopted as the City Council's findings of fact; and

Section 2. Comprehensive Plan and Zoning Code Map Designation Amendments

The Vancouver Comprehensive Plan 2011-2030, adopted through Ordinance M-3994, and VMC Title 20 Zoning Code, last amended through ordinance M-4223, are amended to establish Urban High Density/R-18 designations on the northern portion of property at 15306 Fourth Plain Boulevard, Tax Lot 159108000 as indicated in Condition 7.1 and Exhibit B of the Development Agreement that is attached hereto as Exhibit A, and Commercial/CG designations on the southern portion of said property, all effective upon finalization of annexation; and

Section 3. Development Agreement. The City Manager is authorized to enter into a Development Agreement, attached hereto as Exhibit A herein, ensuring future development is substantially consistent with a conceptual site plan submitted by the applicant indicated in the Development Agreement, unless otherwise required as part of the subsequent development review.

Section 4. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 5. Effective Date. This ordinance shall become effective only upon the annexation of the land described herein.

Section 6. Instruction to City Clerk. The City Clerk shall transmit a copy of the revised development code to the Washington Department of Commerce.

Read First Time: *May 7, 2018*

Ayes: Councilmembers *Lebawsky, Glover, Stober, Topper, Turlay, Hansen, Mayor McEnemy-Ogle*

Nays: Councilmembers

Absent: Council Members

Read Second Time: *May 21, 2018*

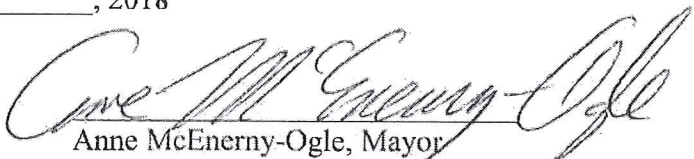
PASSED BY THE FOLLOWING VOTE:

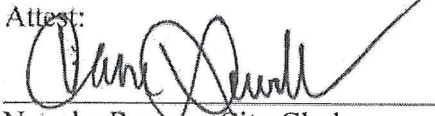
Ayes: Councilmembers *Lebawsky, Glover, Stober, Hansen, Mayor McEnemy-Ogle*

Nays: Councilmembers


Absent: Councilmembers *Topper, Turlay*

SIGNED this *21st* day of *May*, 2018


Anne McEnemy-Ogle, Mayor

Attest:


Natasha Ramras, City Clerk
By: Carrie Lewellen, Deputy City Clerk

Approved as to form:


E. Bronson Potter, City Attorney

SUMMARY

ORDINANCE NO. M-4231

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; establishing Vancouver Comprehensive Plan and Zoning map designations for a property at 15306 Fourth Plain Boulevard which has requested annexation to the City of Vancouver, and authorizing the City Manager to enter into a Development Agreement, attached hereto as Exhibit A.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

LeAnne M. Bremer
Miller Nash Graham & Dunn, LLP
500 Broadway, Suite 400
P.O. Box 694
Vancouver, Washington 98666

Grantor : 5th Plain Creek Station, LLC
Grantee : The City of Vancouver
Abbreviated Legal : #18 OF SEC 12 T2NR2EWM
Assessor's Tax Parcel Nos. : 159108-000
Prior Excise Tax No. : NA
Other Reference No. : None

DEVELOPMENT AGREEMENT

1. **EFFECTIVE DATE:** _____, 2018
2. **PARTIES:**
5th Plain Creek Station LLC
c/o Hurley Development
915 Broadway, Suite 250
Vancouver WA 98660
hereinafter: "5th PLAIN"

City of Vancouver
P.O. Box 1995
Vancouver, WA 98668-1995
hereinafter: "CITY"
3. **RECITALS:**

3.1 At the time of the execution and recording of this Development Agreement 5th PLAIN will own the property legally described in Exhibit A.

3.2 5th PLAIN has requested annexation to the City of Vancouver, and the establishment of Comprehensive Plan and Zoning map designations of Commercial and CG on the southern portion of the property, and Urban High Density Residential and R-18 on the northern portion.

3.3 The Property is currently designated Mixed Use and MX by Clark County. The subject property is tax parcel number 159108-000, and located at 15306 Fourth Plain Blvd.

3.4 Vancouver Municipal Code 20.230 provides two methods for assigning a Comprehensive Plan and Zoning designation to newly annexed areas. The first method allows annexing properties to be assigned the City designations most consistent with their existing County designations. The second method allows for that the consideration of a different designation, if done concurrent with the annexation.

3.5 The Parties desire to memorialize the Comprehensive Plan and Zoning designations on the Property at the time of annexation and set forth additional provisions related to development of the Property.

NOW THEREFORE, the Parties agree as follows:

4. **Recitals.** The recitals are hereby incorporated into this Agreement and shall bind the Parties to the terms of this Agreement.

5. **Purpose.** The purposes of this Development Agreement are to:

5.1 Ensure that future development of the property is substantially consistent with conceptual site plan submitted by 5th PLAIN as part of its Comprehensive Plan and Zoning map designation request set forth in Recital 3.2, depicted on Exhibit B herein, pending further change to the site plan required through future site plan or subdivision review.

5.2 Ensure that future commercial development not include select commercial uses otherwise allowed in the proposed CG zone, which have limited employment density relative to the potential opportunities afforded by high traffic corridors such as Fourth Plain Blvd.

6. **Term.** The initial term of this Development Agreement shall be for twenty (20) years from the effective date of this Agreement, which may be extended by mutual agreement between the Owner of the Property and the City and approved by the City Council in accordance with state law.

7. **Conditions.**

7.1 **Conceptual Development Plan.** The proposed preliminary site plan for the Property depicted in Exhibit B attached hereto, is incorporated herein by this reference. Development of the site shall be in substantial conformance with Exhibit B and in conformance with any final Site Plan required and approved by or required by the City, or any alterations, changes or amendments thereto that are approved during any subsequent site plan approval process.

7.2 **Uses.** The Property uses shall be those allowed in the zoning districts applied to the Property upon annexation, except that commercial uses listed in VMC Table 20.430.030-1 of self-serve storage, non-accessory parking, and dog day care shall be prohibited.

8. **Successors.** This Development Agreement and all of its provisions shall be binding on the Parties and any and all of their assigns and successors in interest.

9. **Enforcement.** This Development Agreement may be enforced by the Parties through any remedy provided by law or in equity.
10. **Severability.** If any provision of this Development Agreement, or the application of the provision to any person or circumstance, is declared invalid, then the rest of the agreement or the application of the provision to other persons or circumstances shall not be affected.
11. **Authority.** Those signatories who sign on behalf of a limited liability company are expressly vested by the governing documents of such limited liability company which they purport to represent with the authority to bind such limited liability company in the manner in which such signatories have purported to bind their principal herein.
12. **Controlling Law.** In the event of any litigation arising hereunder, or with respect hereto, the law of the State of Washington shall control, and all signatories hereto, do hereby submit themselves personally to the jurisdiction of the courts of the State of Washington, and do hereby agree that any action arising hereunder may be instituted in Clark County Superior Court, if the parties are served including anywhere not within the State of Washington, by any method authorized by Washington Law.
13. **Required Public Hearing.** This Development Agreement is authorized by a Resolution of the City Council of the City of Vancouver following a hearing as required by RCW 36.70B.170.
14. **Extensions of Time for Performance.** Notwithstanding anything to the contrary contained in this Agreement, neither party shall be deemed to be in default where delays and performance or failure to perform are due to war, insurrection, strike or other labor disturbances, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, extended appeals by third parties or similar basis for excused performance which are not within the reasonable control of the party to be excused. Upon the request of either Party, an extension of time for such cause shall be granted in writing for the period of the forced delay, or longer, as may be mutually agreed upon.
15. **Vesting.** The Parties agree that the development of the Property and this Development Agreement vests as to the permitted uses, land use ordinances, regulations, and development standards in effect in Title 20 VMC as of the earlier of the date of any fully complete land use application being processed for approval with this Development Agreement, or the date of the execution of this Development Agreement. "Vesting" shall mean that the Property is entitled to be used and to implement a site plan or other land use permit or approval that is substantially consistent with that shown in **Exhibit B**, and that the Property is entitled to be eligible to receive land use approval of development proposals ("implementing land use approval(s)" that are consistent therewith, in accordance with the zoning, development and land use ordinances in effect upon the date of the vesting of this Development Agreement without any such application being subject to changes in ordinance, regulation, and development standards and regulations that are enacted or implemented subsequent to the date of vesting of this Development Agreement. Further, if an implementing land use approval has become final (not appealed), which is at variance with such ordinance, regulation, and development standards and regulations with the agreement of the applicant(s), the ordinance, regulation, and development

standards and regulations manifested in such implementing land use approval(s) shall become vested under this Development Agreement. This Development Agreement and the development standards in, and terms of, this Development Agreement govern during the term of this Development Agreement and may not be subject to an amendment to a zoning ordinance, land use regulation, or development standard adopted after the effect date of this Development Agreement except with the agreement of the applicant or owner; provided that an applicant or owner of the Property may elect to waive vesting as to an ordinance, requirement, condition or standard and proceed under any ordinance, requirement, condition or standard more recently in effect by the City of Vancouver as allowed under VMC 20.250.040. This vesting shall continue beyond the term of this Development Agreement as to any fully complete implementing land use application in process or granted by the City during the term of this Development Agreement, for the normal term of approval of any such application or approval. Any permit or approval issued by the City, including any implementing land use approval, after the vesting of this Development Agreement must be consistent with this Development Agreement.

16. **Exception to Vesting/Serious Threat to Public Health.** Nothing contained in this Development Agreement shall preclude the City from exercising any and all rights it has under RCW 36.70.170(4) to address issues of public health and safety.

17. **Construction.** This Development Agreement sets forth the entire agreement of the Parties. This Agreement shall be construed as a whole. No amendment, change or modification of any provision of this Agreement shall be valid unless set forth in writing and signed by both Parties. To the extent of any conflict with any City regulations which may otherwise govern the Property, the terms and conditions of this Development Agreement shall prevail.

18. **Binding Effect.** This Development Agreement, or a summary therefore, shall be recorded against the Property and shall run with the land subject only to the express conditions or limitations of this Agreement, and shall be binding upon and inure to the benefit of the respective successors and assigns of the parties. Upon assignment of this Development Agreement or the conveyance of any parcel of the Property to which this agreement is applicable, the assignee/grantee shall be deemed to assume all rights, obligations and liabilities set forth in this Agreement as they relate to such parcel.

19. **Cooperation.** Each Party shall take such action (including, but not limited to the execution, acknowledgement and delivery of documents) as may reasonably be requested by the other Party for the implementation or continuing performance of this Development Agreement. In the event of any administrative, legal or equitable action or proceeding instituted by any person or party to this Agreement challenging the validity of any provision of this Agreement, or any subsequent action taken consistent with this Agreement, the Parties shall cooperate in defending such action or proceeding to settlement or final judgment, including all appeals. Each Party shall select its own legal counsel and retain such counsel at its own expense.

20. **Effective Date.** This Development Agreement will become effective on signature by the City of Vancouver and 5th Plain Creek Station LLC or successor.

DATED THIS ___ day of _____, 2018

Signature pages to follow

CITY OF VANCOUVER

By:

Eric J. Holmes, City Manager
Dated: _____

Attest:

City Clerk

Approved as to form:

City Attorney

STATE OF WASHINGTON)

: ss.

County of Clark)

I certify that Eric J. Holmes appeared personally before me and that I know or have satisfactory evidence that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the City Manager of the CITY OF VANCOUVER to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this ____ day of _____, 2018

NOTARY PUBLIC FOR WASHINGTON

My Commission Expires: _____

5th Plain Creek Station LLC, Owner

By: Hurley Development, LLC, its Manager

By: Ryan Hurley, its Manager

Dated: _____

STATE OF WASHINGTON)

: ss.

County of Clark)

I certify that Ryan Hurley appeared personally before me and that I know or have satisfactory evidence that he signed this instrument, on oath stated that he was authorized to execute the instrument as the Manager of Hurley Development, LLC, Manager of 5th Plain Creek Station LLC and to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this _____ day of _____, 2018

NOTARY PUBLIC FOR WASHINGTON

My Commission Expires: _____

EXHIBIT A
LEGAL DESCRIPTION

For APN/Parcel ID(s): 159108-000

Parcel I

The Southwest quarter of the Northwest quarter of Section 12, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington.

EXCEPT the South 28.28 rods of the East 28.28 rods.

ALSO EXCEPT the following described parcel of property:

COMMENCING at the Southwest corner of the Northwest quarter of said Section 12

Thence North 01°30'26" East along the West line of said Northwest quarter of Section 12, 951.26 feet to the South line of that tract conveyed to Ronald E. Raley by deed recorded under Auditor's File # G714092 of Clark County Records and the TRUE POINT OF BEGINNING;

Thence South 01°30'26" West along said West line 250.47 feet to the South line of that tract conveyed to Torrence L. Speights by deed recorded under Auditor's File # G375849 of Clark County Records;

Thence South 01°30'26" West along said West line 3.79 feet to a point which bears North 88°37'05" West from a 1/2" iron rod set by Olson Engineering Inc. in 1976 as shown on the Record of Survey recorded in Book 4 of Surveys at Page 192 of Clark County Records;

Thence South 88°37'05" East 11.44 feet to said 1/2" iron rod;

Thence North 01°10'13" East 252.36 feet to another 1/2" iron rod set by Olson Engineering in said Record of Survey;

Thence continuing North 01°10'13" East 1.89 feet to a point which bears South 88°37'05" East from the True Point of Beginning;

Thence North 88°37'05" West 9.94 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPT that portion lying within NE Fourth Plain Blvd./Road.

ALSO EXCEPT that portion acquired by the State of Washington by the Stipulated Judgment and Decree of Appropriation filed November 6, 2002, under Clark County Washington Superior Court Case No. 01-2-00977-3.

Parcel II

That portion of the Northwest quarter of the Northwest quarter of Section 12, Township 2 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

Beginning at a 1/2 inch iron pipe marking the Southeast corner of Lot 22 of "Mountain View Meadows".

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ALTA Commitment (Adopted 06/17/2006)

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according to the plat thereof recorded in Volume G of plats at page 924, records of Clark County, Washington;

Thence North 01°26'54" East, along the East line of said Lot 22, a distance of 0,93 feet to an existing fence line and the TRUE POINT OF BEGINNING;

Thence South 87°59'25" East, along an existing fence line, 82,87 feet to a fence corner;

Thence continuing along an existing fence line, South 32°00'07" East, 7,33 feet to the South line of the Northwest quarter of the Northwest quarter of said Section 12;

Thence North 88°15'37" West, along the South line of the Northwest quarter of the Northwest quarter of said Section 12, a distance of 86,90 feet to the Southerly prolongation of the East line of said Lot 22;

Thence North 01°26'54" East, to and along the East line of said Lot 22, a distance of 6,48 feet to the TRUE POINT OF BEGINNING.

Also that portion of the Southwest quarter of the Northwest quarter of the Northwest quarter of said Section 12, lying Southerly of the South line of said plat of "Mountain View Meadows",

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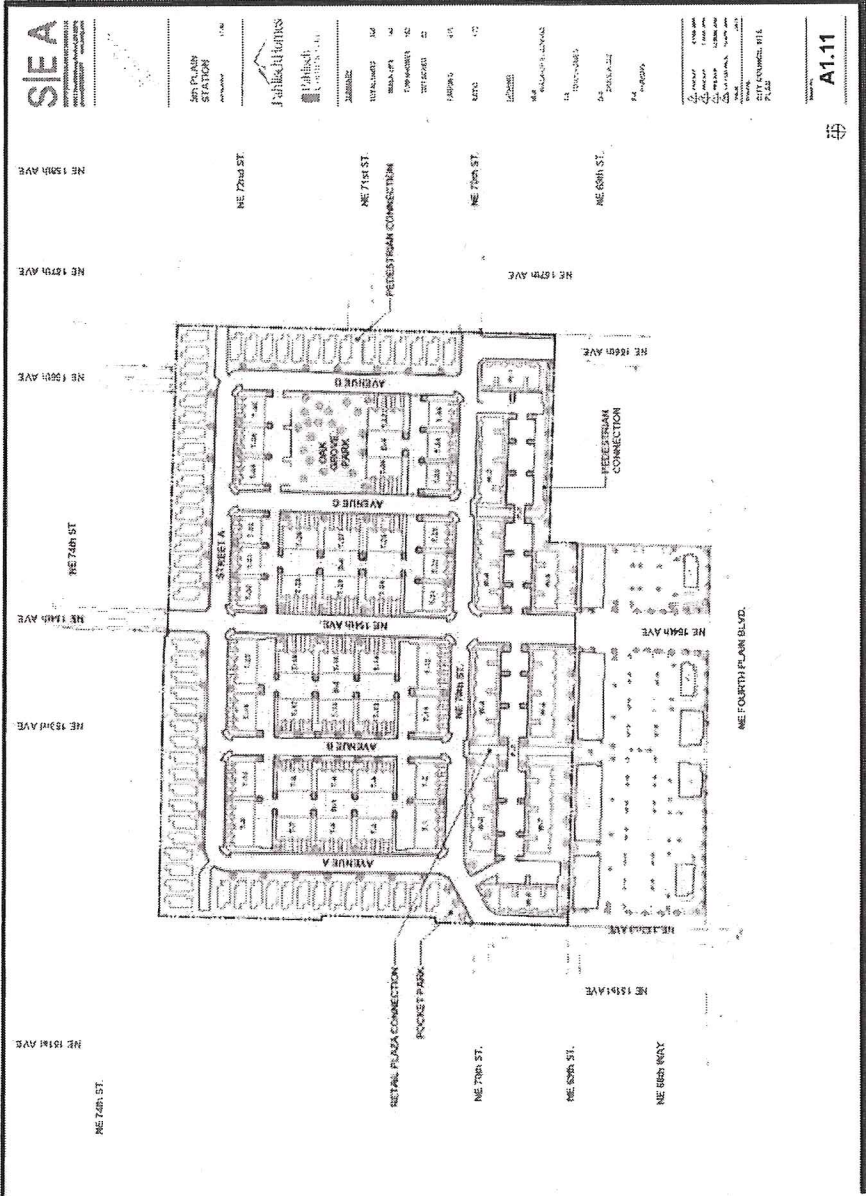
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ALTA Commitment (Adopted 06/17/2006)

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EXHIBIT "B"
CONCEPTUAL SITE PLAN



06/25/18
07/02/18

ORDINANCE NO. 11-4230

AN ORDINANCE relating to the approval of the 5th Plain Creek Station annexation pursuant to RCW 35.13.150; establishing the geographic extent, confirming 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 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 Chapter 36.70A RCW, the City of Vancouver has an urban growth area designated under the Growth Management Act; and,

WHEREAS, the proposed annexation area is in Vancouver's urban growth boundary, and is contiguous to the City of Vancouver along the northern border of Fourth Plain Boulevard generally between Ward Road and NE 157th Ave; and,

WHEREAS, pursuant to RCW 35.13.125, the City of Vancouver received a signed initiation annexation petition from property owner for 100% of the assessed value of land within the defined annexation area; and,

WHEREAS, pursuant to RCW 35.13.125, on January 8, 2018, Vancouver City Council met with the interested parties, considered public testimony, and approved Resolution M-3957 accepting the annexation request; defining the geographic extent of the proposed annexation; requiring the

simultaneous adoption of the comprehensive plan and zoning designations; and not requiring assumption of all or any portion of the existing city indebtedness by the area to be annexed; and,

WHEREAS, on April 2, 2018, the City of Vancouver submitted the applicant's annexation petition to the Clark County Assessor having the signatures of owners of property within the annexation area owning at least sixty percent of the total assessed value of the area proposed for annexation; and

WHEREAS, pursuant to RCW 35.21.005, on April 12, 2018, the Clark County Assessor certified that the signature represents support from over sixty percent of the total assessed valuation of the area proposed for annexation; and

WHEREAS, the Vancouver City Council held duly noticed public hearings to consider the proposed annexation and, pursuant to RCW 35.13.150, determined that the annexation should be made; and

WHEREAS, the Vancouver City Council held duly noticed public hearings on a proposed comprehensive land use plan to become effective upon the annexation of the area, pursuant to RCW 35.13.177 and VMC 20.230.030, and determined upon annexation the Comprehensive Plan designation and zoning designations will change.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Approval of Annexation: Pursuant to Chapter 35.13 RCW, the annexation of the 5th Plain Creek Station annexation area to the City of Vancouver is hereby approved. The annexation area is located in Vancouver's unincorporated urban growth boundary, north of the current City limits generally north of Fourth Plain Boulevard between Ward Road and NE 157th Avenue. The legal description of the annexation boundary is set forth in Exhibit "A", attached

hereto and incorporated herein. A 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 20.230.030 and RCW 35.13.177, and as provided in Ordinance M-4231 adopted by the City Council on May 21, 2018 and reaffirmed after a second public hearing on July 2, 2018, the designated Comprehensive Plan and zoning designations for the land proposed for annexation shall change. Upon annexation the Comprehensive Plan designation will change from Mixed Use (MX) to Urban High Density (UH) and Commercial (COM). The underlying zoning designations will change from Mixed Use (MX) to R-18 and General Commercial (GC). The comprehensive plan and zoning designations provided for herein are shown on the maps attached hereto and incorporated herein as Exhibits "C" and "D".

Section 3. Indebtedness: As provided in Resolution M-3957 adopted by the City Council on January 8, 2018, the City will not require the property owners within the annexation boundary to accept any of the existing indebtedness.

Section 4. Filing with Clark County: The City Clerk shall cause a certified copy of this ordinance to be filed with the clerk of the Clark County Council in accordance with RCW 35.13.150. The City Clerk shall cause a copy of this ordinance and ordinance M-4231 to be filed with the Clark County auditor in accordance with RCW 35.13.178.

Section 5. Certificate of Annexation. The City Clerk will cause the certificate required under RCW 35.13.260 to be filed with the office of financial management within thirty (30) days of the effective date of annexation.

Section 6. Effective Date: This ordinance shall become effective July 3, 2018.

Read first time: June 25, 2018

Ayes: Councilmembers Lebowsky, Glover, Stober, Topper, Tuesday,
Hansen, Mayor McEnemy-Ogle

Nays: Councilmembers None

Absent: Councilmembers None

Read second time: July 2, 2018

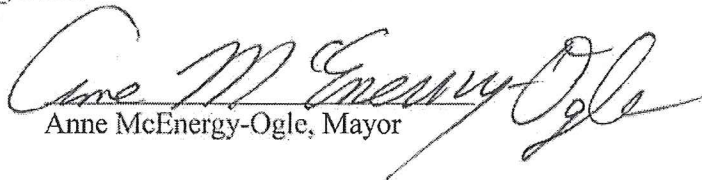
PASSED BY THE FOLLOWING VOTE: 6-0

Ayes: Councilmembers Glover, Stober, Topper, Tuesday, Hansen,
Mayor McEnemy-Ogle


Nays: Councilmembers None

Absent: Councilmembers Lebowsky

Signed this 2nd day of July, 2018.

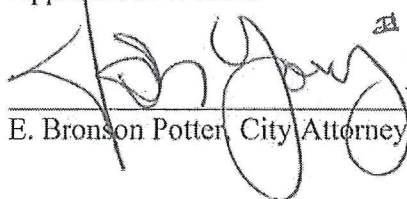

Anne McEnemy-Ogle, Mayor

Attest:



Natasha Ramras, City Clerk
By: Carrie Lewellen, Deputy City Clerk

Approved as to form:



E. Bronson Potter, City Attorney

SUMMARY

ORDINANCE NO. M-42310

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 5th Plain Creek Station annexation on July 3, 2018.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).