

07/06/2020
07/20/2020
08/03/2020

ORDINANCE NO. M-4303

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 Presbytery of the Cascades 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 Presbytery of the Cascades annexation parcel is located within the urban growth area along the eastern city limit border north of NE 20th Street generally between NE 162nd Avenue and NE 164th Avenue.

WHEREAS, pursuant to RCW 35.13.125, the City of Vancouver received a signed annexation petition from property owners of at least 60% of the assessed value of land within the defined annexation area; and,

WHEREAS, pursuant to RCW 35.13.410 on November 4, 2019 Vancouver City Council met with the initiating party, considered public testimony, and voted to accept the annexation request; defined the geographic extent of the proposed annexation; allowed for consideration of an alternative comprehensive plan designation as provided for in VMC Chapter 20.230.030 C; 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 VMC Chapter 20.230.030 C on March 10, 2020 Vancouver Planning Commission recommended that City Council approve the applicant's alternative Comprehensive Plan designation and zone designations; and,

WHEREAS, pursuant to RCW 35.21.005, on June 22, 2020, the Clark County Assessor certified that the signature represents property owner support from one hundred percent of the total assessed valuation of the proposed annexation area; and,

WHEREAS, pursuant to VMC Chapter 20.230.030 C on June 15, 2020 Vancouver City Council accepted the Planning Commission recommendation and voted to approve the applicant's alternative Comprehensive Plan and zone designation proposal.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Location of Annexation Area: Pursuant to RCW 35.13 the Presbytery of the Cascades annexation is located along the eastern border of the city north of NE 20th Street

generally between NE 162nd Avenue and NE 164th Avenue including the abutting right of way on NE 20th 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 20.230.030 C, and as discussed and voted on by City Council on June 15, 2020 (M-4300), the City shall designate the City comprehensive plan and zoning designations for the annexing land. Currently the land located in the Presbytery of the Cascades Annexation area has Clark County comprehensive plan designations of Commercial (COM), and zoning designation of Community Commercial (CC). Under Vancouver zoning per VMC Table 20.230.030-C, upon annexation the comprehensive plan designation for the parcel shall be split Urban High Density (UH) and Commercial (COM). Upon annexation the zoning designation shall be converted to R-18 and Community Commercial (CC) as set forth in Exhibits “C” and “D” attached hereto and incorporated herein.

Section 3. Comprehensive Plan and Zoning Maps: The comprehensive plan and zoning designations provided for in Section 2 shall, upon the designated effective date, be 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 November 4, 2019, the City will not require the property owner within the annexation boundary to assume any existing city indebtedness.

Section 5. Signature Certification: Pursuant to RCW 35.21.005, the County Assessor issued a Certification of Sufficiency dated June 22, 2020 regarding the signature support for Presbytery of the Cascades annexation, as set forth in Exhibit “E”.

Section 6. Signature Acceptance: City Council hereby accepts the certified signatures supporting annexation of the Presbytery of the Cascades annexation.

Section 7. Annexation Approval: City Council hereby approves the Presbytery of the Cascades annexation as described herein.

Section 8. Effective Date: This ordinance shall become effective thirty (30) days following the date of final adoption.

Read first time: July 6, 2020

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerny-Ogle

Nays: Councilmembers None

Absent: Councilmembers None

Read second time: August 3, 2020

PASSED BY THE FOLLOWING VOTE: 7-0

Ayes: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerny-Ogle

Nays: Councilmembers None

Absent: Councilmembers None

Signed this 3rd day of August, 2020.

DocuSigned by:



58CB15C6632F403...

Anne McEnemy-Ogle, Mayor

Attest:

DocuSigned by:



BCF6734E40E94AE...

Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:



9A7DC2E31F694A2...

Johnathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-4303

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 Presbytery of the Cascades annexation thirty (30) days following the date of final adoption.

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

Presbytery of the Cascades
Annexation

LEGAL DESCRIPTION Tax Lot 164362-000

A tract of land lying in the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington said tract being more particularly described as follows:

Commencing at the SW corner of the SE quarter of Section 24;

Thence North 1° 40' 59" East, along the West line of said southeast quarter, 645.02 feet to a westerly projection of the North line of that tract conveyed by deed to Dale Haagen as recorded under Auditors File #8901030049;

Thence South 88° 38' 00" East, along said westerly projection, 30 feet to the northwest corner of the additional right-of-way dedicated to Clark County per deed recorded under Auditors File # 9806230002, said point being on the current City Limits Line as described in City Ordinance number M-3277 (Cascade Park Annexation);

Thence South parallel with said NE 162nd Avenue centerline 33.50 feet to the True Point of Beginning, said point also being on the North line of the Peterkort Annexation as recorded in City of Vancouver Ordinance number M-3773;

Thence South 88° 38' 00" East, along the South side of the NE 20th Street dedication deed recorded in Auditors File #9806230003, 529 feet, more or less, to a point on the SW corner of NE 20th Street dedicated in Clark County Plat Records Book J, Page 548;

Thence continuing South 88° 38' 00" East 109.43 feet to a point of curvature;

Thence 15.76 feet along a 10 foot radius curve to the right with a delta angle of 90°18'59";

Thence northerly to a point on the West right-of-way line of NE 164th Avenue and the North end of a 10.00 foot radius curve concave to the northwest with a delta angle of 89°41'01" and a length of 15.65 feet, said point being 27 feet west of NE 164th Avenue centerline;

Thence continuing along said West right-of-way line of NE 164th Avenue 299.55 feet per Dedication Deed # 9806100352, to the Southeast corner of Lot 1, Plat of Mountain View Center Rowhomes recorded in Book 310, Page 929 records of Clark County, Washington;

Thence westerly along the South line of said plat to the Southeast corner of Lot 1, Plat Stein Estates Phase 4 recorded in Book 310, Page 799 records of Clark County, Washington, said point also being the Southeast corner of the Stein MX Annexation recorded in City of Vancouver Ordinance number M-3793;

Thence westerly along the South boundary of said plat 371.50 feet to a point 30 feet east of centerline of NE 162nd Avenue, also being the East line of the Cascade Park Annexation as described in City of Vancouver Ordinance M-3277;

Thence southerly 363.50 feet along said East line of the Cascade Park Annexation to the True Point of Beginning.

Contains 232,477 square feet more or less.



10-8-2019

EXHIBIT D. Annexation Boundary

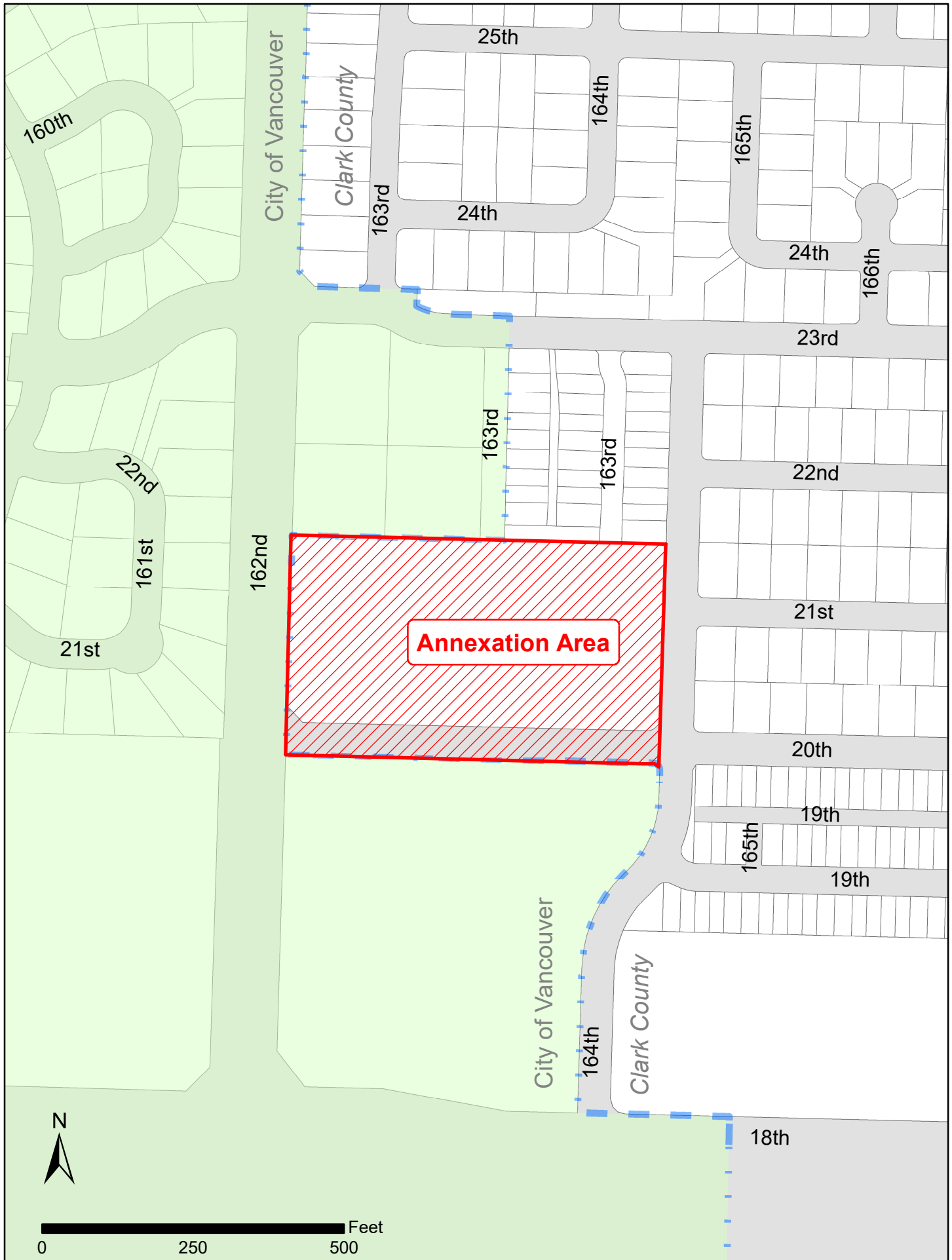
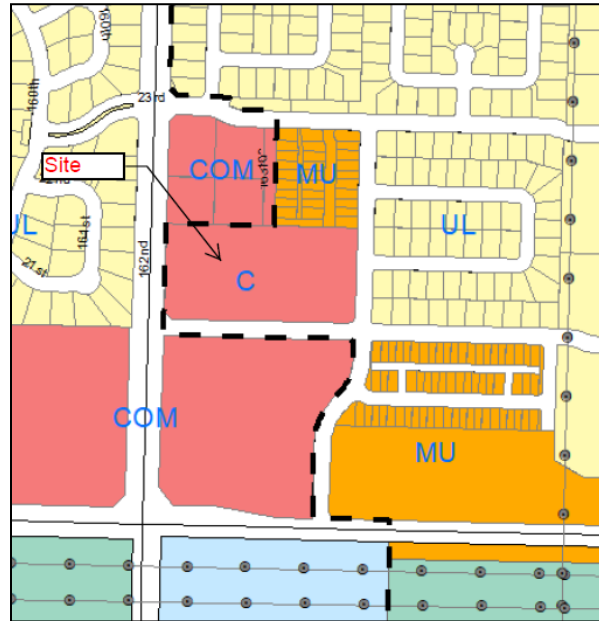


EXHIBIT C

Current County Comp Plan Designation



Proposed City Comp Plan Designation

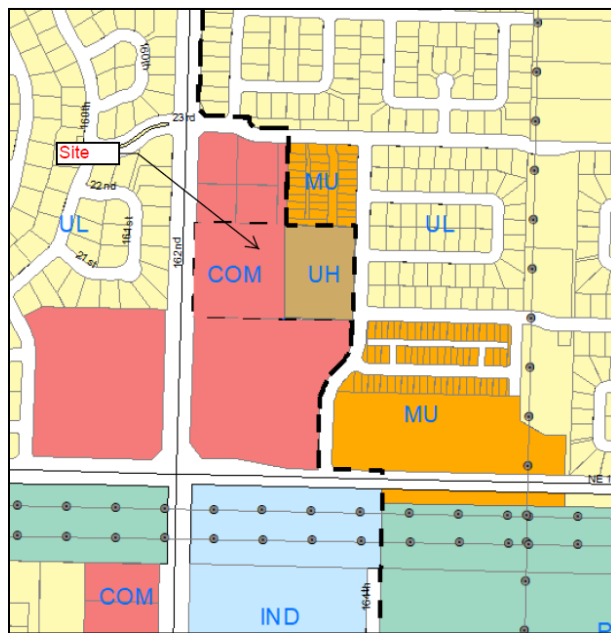
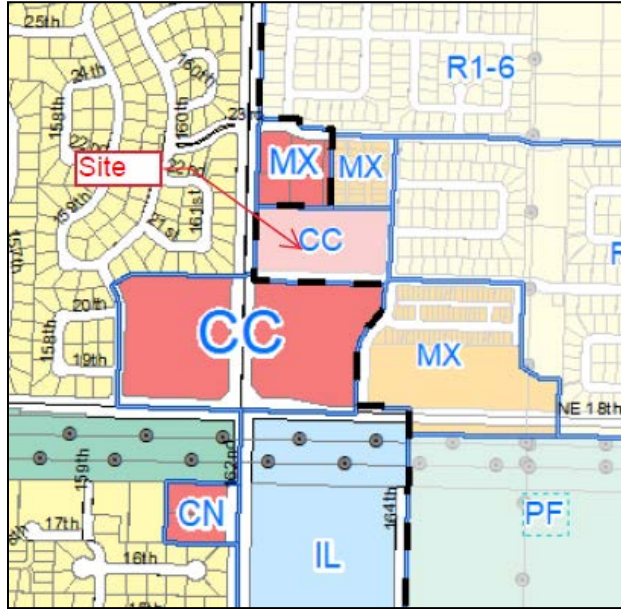


EXHIBIT D

Current County Zoning Designation is Community Commercial



Proposed City Zoning Designation is part Community Commercial and part R-18

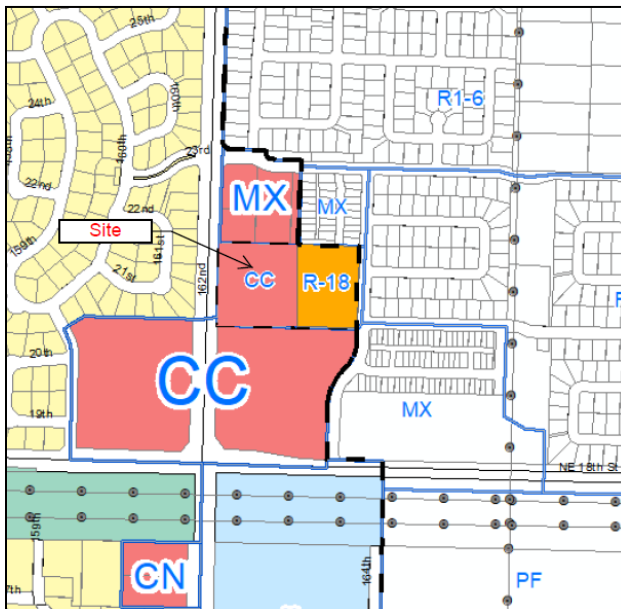


EXHIBIT E



CLARK COUNTY WASHINGTON

www.clark.wa.gov/assessor

ASSESSOR'S OFFICE
Peter Van Nortwick, Assessor

1300 Franklin Street
PO Box 5000
Vancouver, WA 98666-5000
360.397.2391
360.397.6046 f

June 22, 2020

City of Vancouver
Community and Economic Development Department - C/O: Bryan Monroe
415 W 6th Street
P O BOX 1995
Vancouver WA 98668

Dear Bryan Monroe,

You will find enclosed the Certification of Sufficiency of the petition for annexation of land to the City of Vancouver Presbytery of the Cascades annexation.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Fish". The signature is stylized and cursive, written over a horizontal line.

Michael Fish
Clark County Chief Deputy Assessor

Enclosed:

Certification of Sufficiency
Annexation Legal Description
Annexation Map

Certification of Sufficiency
Presbytery of the Cascades

The City of Vancouver on June 15, 2020 submitted for review by Clark County Assessor, a Utility Service Covenant to annex to the City, approximately 5.33 acres of land known as the Presbytery of the Cascades Annexation. Subject to the requirements of 35.21.005 I now certify the following in my capacity as Clark County Assessor:

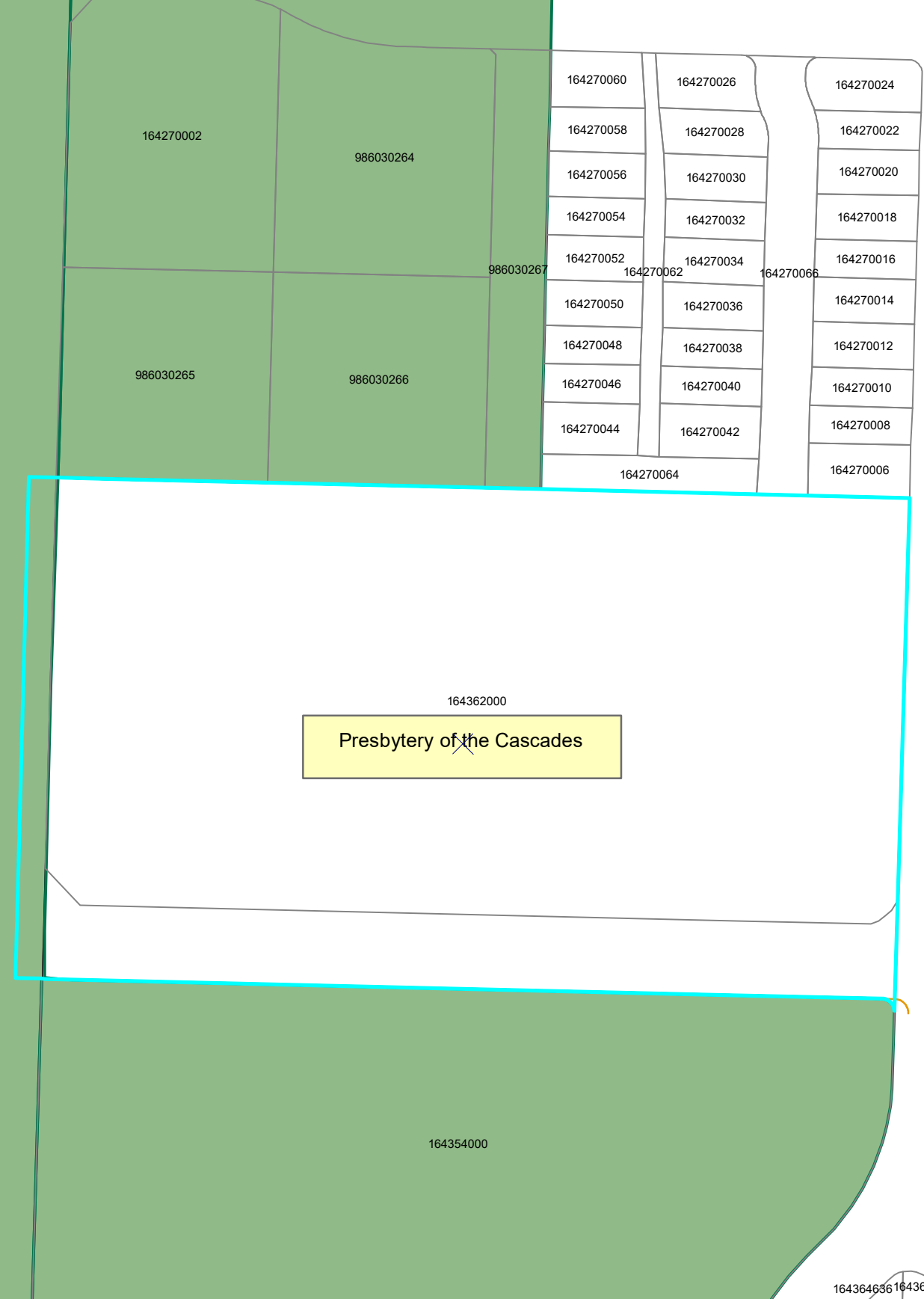
1. On June 15, 2020 the City of Vancouver submitted for certification by the Clark County Assessor a petition to annex to the City one parcel of land and associated road and public utility rights-of-way, totaling approximately 5.33 acres.
2. The legal description and map of the area proposed for annexation, as provided by the City, are attached to this certification. According to the map provided by the City, this area is in unincorporated Clark County and within the urban growth boundary.
3. The City is completing annexation pursuant to the sixty percent method of annexation RCW 35.13.125 – 170
4. The Clark County Assessor initiated determination of petition sufficiency on June 19, 2020 which is the “terminal date” as defined in 35.21.005
5. The area proposed for annexation has a certified annexation market value of \$3,357,690 at the time of the annexation and \$0.00 taxable value due to the exemption status of the church.
6. The Utility Service Covenant provided by the City meet the requirement for 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 June 22, 2020



Michael Fish
Clark County Chief Deputy Assessor



Presbytery of the Cascades
Annexation

LEGAL DESCRIPTION
Tax Lot 164362-000

A tract of land lying in the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington said tract being more particularly described as follows:

Commencing at the SW corner of the SE quarter of Section 24;

Thence North 1° 40' 59" East, along the West line of said southeast quarter, 645.02 feet to a westerly projection of the North line of that tract conveyed by deed to Dale Haagen as recorded under Auditors File #8901030049;

Thence South 88° 38' 00" East, along said westerly projection, 30 feet to the northwest corner of the additional right-of-way dedicated to Clark County per deed recorded under Auditors File # 9806230002, said point being on the current City Limits Line as described in City Ordinance number M-3277 (Cascade Park Annexation);

Thence South parallel with said NE 162nd Avenue centerline 33.50 feet to the True Point of Beginning, said point also being on the North line of the Peterkort Annexation as recorded in City of Vancouver Ordinance number M-3773;

Thence South 88° 38' 00" East, along the South side of the NE 20th Street dedication deed recorded in Auditors File #9806230003, 529 feet, more or less, to a point on the SW corner of NE 20th Street dedicated in Clark County Plat Records Book J, Page 548;

Thence continuing South 88° 38' 00" East 109.43 feet to a point of curvature;

Thence 15.76 feet along a 10 foot radius curve to the right with a delta angle of 90°18'59";

Thence northerly to a point on the West right-of-way line of NE 164th Avenue and the North end of a 10.00 foot radius curve concave to the northwest with a delta angle of 89°41'01" and a length of 15.65 feet, said point being 27 feet west of NE 164th Avenue centerline;

Thence continuing along said West right-of-way line of NE 164th Avenue 299.55 feet per Dedication Deed # 9806100352, to the Southeast corner of Lot 1, Plat of Mountain View Center Rowhomes recorded in Book 310, Page 929 records of Clark County, Washington;

Thence westerly along the South line of said plat to the Southeast corner of Lot 1, Plat Stein Estates Phase 4 recorded in Book 310, Page 799 records of Clark County, Washington, said point also being the Southeast corner of the Stein MX Annexation recorded in City of Vancouver Ordinance number M-3793;

Thence westerly along the South boundary of said plat 371.50 feet to a point 30 feet east of centerline of NE 162nd Avenue, also being the East line of the Cascade Park Annexation as described in City of Vancouver Ordinance M-3277;

Thence southerly 363.50 feet along said East line of the Cascade Park Annexation to the True Point of Beginning.

Contains 232,477 square feet more or less.



Exhibit F

NOTICE OF INTENT TO COMMENCE ANNEXATION PROCEEDINGS TO THE CITY OF VANCOUVER WASHINGTON

TO: Honorable Mayor Anne McEnerny-Ogle and City Council of Vancouver, Washington
P.O. Box 1995
Vancouver WA 98668

This is a Notice of Intent, submitted to the City Council of Vancouver, Washington, that states the undersigned property owner request that City Council commence annexation proceedings to annex certain property to the City of Vancouver.

This Notice of Intent is presented on behalf of the undersigned property owner who owns real property in the unincorporated Vancouver Urban Growth Area, which is adjacent and contiguous to the City of Vancouver, Washington, and which is legally described in **Exhibit A**. The parties to this Notice of Intent to commence annexation proceedings request annexation of parcels as shown on the map provided as **Exhibit B**. The area proposed to be annexed is approximately 4.71 acres in size. The undersigned owns more than ten percent of the assessed value of the total area as shown in the database provided as **Exhibit C**. This meets the requirements of RCW 35.13.125, the statute under which this Notice of Intent is filed. The City Council of the City of Vancouver, Washington, is hereby requested to proceed under RCW 35.13.125 and to schedule a public meeting to be held within sixty days after the filing of the Notice of Intent and to determine the following:

1. Whether the City of Vancouver will accept this proposed annexation as defined in **Exhibit A** and shown in **Exhibit B**; and,
2. Whether City of Vancouver shall require the simultaneous adoption of comprehensive plan and land use zoning designations; and,
3. Whether the City of Vancouver shall require the assumption of all or any portion of the existing City indebtedness by the area to be annexed.

The undersigned property owners hereby request the following:

1. That the City of Vancouver accept the proposed annexation as defined in **Exhibit A** and shown in **Exhibit B**; and,
2. That the City of Vancouver shall simultaneously adopt a new comprehensive plan (Urban Higher Density Residential) and land use zoning designation (R-18) for a portion of the property as provided for by VMC 20.230.030. C; and,
3. That the City of Vancouver shall not require the assumption of any portion of the existing City indebtedness by the area to be annexed.

Dated this 12th day of September 2019

Jeffrey S. Sievert
(Signature)

Jeffrey S. Sievert
(Print Name)

Oregon
STATE OF ~~WASHINGTON~~)
) SS
~~COUNTY OF CLARK~~)
Washington County

I hereby certify that I know or have satisfactory evidence that Jeffrey S. Sievert
(Print Name)

signed this instrument, on oath stated that (she/he) is authorized to execute the instrument as a
President, Board of Trustees of The Presbytery of the Cascades
(Position/Title) (Name of Corporation)

and acknowledge it to be (her/his) free and voluntary act of such party for uses and purposes mentioned in the instrument.



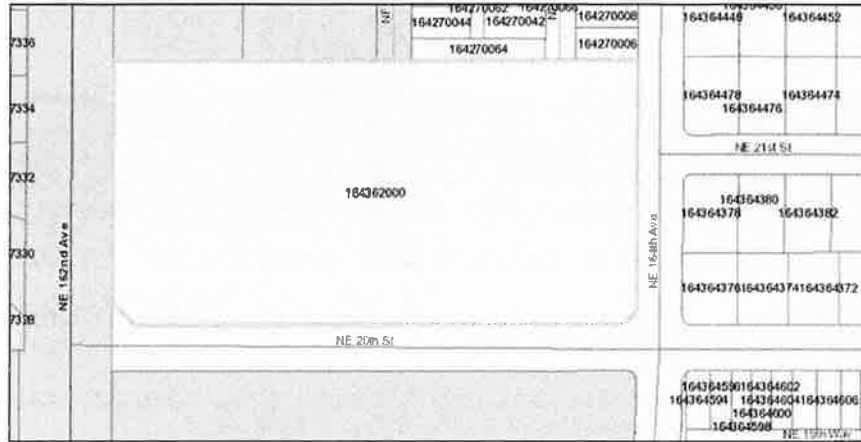
Mirla Mendoza
(Signature of Notary)

Mirla Mendoza
(Print Name of Notary)

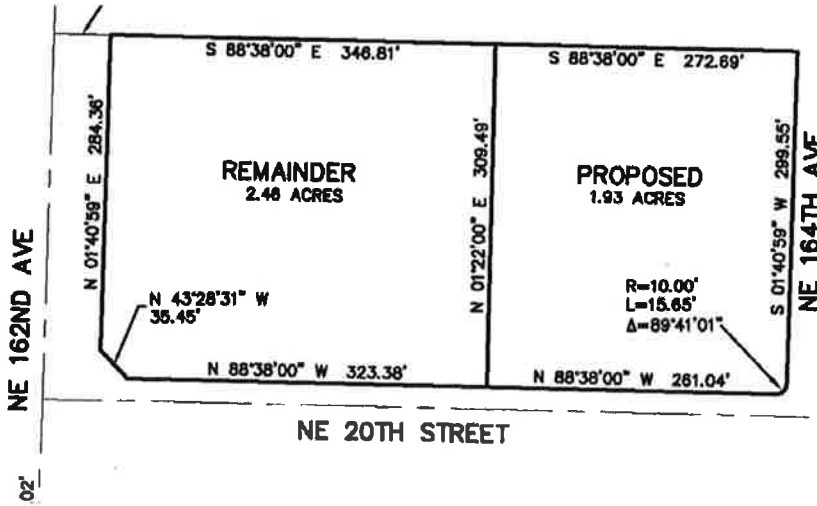
My Appointment Expires: Feb 16, 2023
Notary Public for the State of ~~Washington~~ Oregon

EXHIBIT B PARCEL MAP

Existing parcel map/configuration:



Proposed configuration at time of annexation:



**EXHIBIT A
LEGAL DESCRIPTION**

A portion of the Southeast quarter of Section 24, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, more particularly described as follows:

Beginning at the Southwest corner of said Southeast quarter, thence along the West line of said Southeast quarter North 1°40'59" East 645.02 feet to the True Point of Beginning; thence South 88°38'00" East 690.0 feet; thence Northerly parallel with the West line of said Southeast quarter 330.0 feet; thence North 88°38'00" West 690.0 feet to the West line of said Southeast quarter; thence South along the West line of said Southeast quarter 330.0 feet to the True Point of Beginning.

EXCEPTING THEREFROM that portion lying within NE 162nd Avenue.

EXCEPT that portion conveyed to Clark County, Washington, a municipal corporation recorded on June 10, 1998 under Auditor's File No. 9806100352.

EXCEPT that portion conveyed to Clark County, Washington, a municipal corporation recorded on August 18, 1998 under Auditor's File No. 9808180056 and 9808180057.

EXCEPT that portion conveyed to Clark County, Washington, a political subdivision of the State of Washington recorded on January 15, 2008 under Auditor's File No. 4412612.

EXHIBIT C
Property Value
PRESBYTERY OF THE CASCADES ANNEXATION

Current Owners constitute 100% ownership of proposed annexation area.

OWNERSHIP LIST	SERIAL NUMBER	AREA	2018 TAX VALUE
Presbytery of the Cascades	164362000	4.71 Acres	\$3,197,800