RESOLUTION NO. 1500

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, PERTAINING TO THE RECEIPT OF A NOTICE OF INTENT TO ANNEX CERTAIN REAL PROPERTY KNOWN AS THE JASPER PINES ANNEXATION, AND AUTHORIZING THE CIRCULATION OF A 60% ANNEXATION PETITION.

WHEREAS, on July 21, 2022, the City received a Notice of Intent pursuant to RCW 35A.14.120 to annex certain real property named the "Jasper Pines Annexation"; and

WHEREAS, the Notice of Intent was signed by the owners of property representing 100% in value of the real property, thereby meeting the 10% required for the 60 percent petition method; and

WHEREAS, the proposal area is comprised of one parcel sized 29,571 sq. ft. (0.68 acres) assigned Columbia Co. Parcel # 2-530-00-045-0000 that is located within the City of Dayton Urban Growth Area (UGA);

WHEREAS, attached hereto, Exhibit A describes the proposal area and Exhibit B depicts the proposal area; and

WHEREAS, pursuant to RCW 35A.14.120 on August 9, 2022 the City Council met with the initiating party for the purpose of determining 1) whether the city will accept, reject, or geographically modify the proposed annexation; 2) whether it will require simultaneous adoption of a proposed zoning regulation; and 3) whether it will require the assumption of bonded indebtedness;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DO HEREBY RESOLVE AS FOLLOWS:

Section 1: Petition. The City Council hereby authorizes the circulation of a sixty percent (60%) petition for the annexation request named "Jasper Pines".

Section 2: Boundary Acceptance. The City accepts the annexation as proposed, described and depicted in **Exhibit A & Exhibit B,** attached.

Section 3: **Debt**. The City Council requires the assumption of an appropriate share of all existing City indebtedness by the area to be annexed.

Section 4: **Zoning**. Zoning for the proposed annexation area shall be reviewed and assigned simultaneously.

Section 5: **Effective Date.** This resolution shall be in full force and effect upon passage and signatures hereon.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING ON THE 9TH DAY OF AUGUST, 2022.

City of Dayton

Zac Weatherford, Mayor

Attested/ Authenticated:

Debra M. Hays, City Clerk Treasurer

Approved as to form:

City Attorney

NOTICE OF INTENTION TO COMMENCE ANNEXATION PROCEEDINGS

The Honorable Mayor and City Council
City of Dayton
114 South 2nd Street
Dayton, Washington 99328

Dear Mayor and City Council:

WE, the undersigned, who are the owners of a majority of the acreage and a majority of the registered voters residing in the area legally described on Exhibit "A" attached hereto and is geographically depicted on a Columbia County Assessor's parcel map on Exhibit "B" further attached hereto, lying contiguous to the City of Dayton, Washington (an optional municipal code city), do hereby petition that such territory be annexed to and made a part of the City of Dayton under the provisions of RCW 35A.14, and any amendments thereto, of the State of Washington.

It is requested that the City Council of the City of Dayton set a date, not later than sixty (60) days after the filing of this request, for a meeting with the undersigned to determine:

1. Whether the City Council will accept, reject, or geographically modify the proposed annexation;

2. Whether the City Council will require the simultaneous adoption of the zoning for the proposed area in substantial compliance with the proposed Comprehensive Plan as adopted by City of Dayton ordinance No. 1855 and

3. Whether the City Council will require the assumption of all or any portion of indebtedness by the area to be annexed.

4. Whether the City will require specific infrastructure and/or costs to be paid for by the developers, or other conditions of approval.

This page is one of a group of pages containing identical text material and is intended by the signers of the Notice of Intention of Commence Annexation Proceedings to be presented and considered as one Notice of Intention of Commence Annexation Proceedings and may be filed with other pages containing additional signatures which cumulatively may be considered as a single Notice of Intention of Commence Annexation Proceedings.

Resident/Owner Signature	Printed Name	Address & Tax Parcel Number	Date Signed
Mitch W. Mathews	Mitch W. Mathews	1505 S. 5TH	7/19/22
Kathleen M. Mathews	Kathleen M. Mathews	1505 S. 5TH	7/19/22

EXHIBIT "A"

MATHEWS ANNEXATION LAND DESCRIPTION

COMMENCING AT THE QUARTER CORNER ON THE NORTH LINE OF SECTION 32, TOWNSHIP 10 NORTH, RANGE 39 EAST, OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 00°55'33" EAST 314.40 FEET, ALONG THE CENTERLINE OF SAID SECTION 32, TO THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 00°55'33" EAST 397.10 FEET, ALONG THE CENTERLINE OF SAID SECTION 32, TO THE NORTHERLY LINE OF LOT 8 OF GUERNSEYS BLOCK ADDITION TO THE CITY OF DAYTON; THENCE NORTH 59°27'33" EAST 169.72 FEET; THENCE NORTH 18°38'37" WEST 12.19 FEET; THENCE NORTH 26°25'20" WEST 334.16 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION.

CONTAINING 29,571sq ft (0.68ac)

MATHEWS ANNEXATION EXHIBIT "B"

July 19, 2022

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Maxar, Microsoft, Esri Community Maps Contributors, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph.

Account

Property ID:	268592	Abbreviated Legal Description:	TAX 45A
Geographic ID:	2530000450000	Agent Code:	
Type:	Real		
Tax Area:	2-3 - Majority of County in Fire 3	Land Use Code	11
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	10	Section:	32
Range:	39		

Location

Address:	S 5TH ST DAYTON, WA 99328	Mapsco:	
Neighborhood:		Map ID:	
Neighborhood CD:			

Owner

Name:	MATHEWS, MITCHELL W	Owner ID:	99723
Mailing Address:	MATHEWS, KATHLEEN M 550 PATIT RD DAYTON, WA 99328	% Ownership:	100.0000000000%
		Exemptions:	

City of Dayton 111 S. 1st Street, Dayton, WA
99328 Office 509.382.2361 Fax
509.382.2539
Web www.daytonwa.com

CITY COUNCIL STAFF REPORT

INITIAL REVIEW OF JASPER PINES ANNEXATION AND ZONING REQUEST

August 9, 2022

Prepared by AHBL, INC.

ATTACHMENTS

- Draft Resolution (with exhibits)
- Notice of Intent to Annex (Application Package)

DESCRIPTION

On July 21, 2022, applicants Mitch W. Mathews and Kathleen M. Mathews submitted a **Notice of Intent to Annex** to the City. The proposal name is "Jasper Pines Annexation" as the applicants have used the name "Jasper Pines" on exhibits for the site (prepared by their surveyor, Bryan A. Martin). There is a single parcel included in this request which is co-owned by the Mathews', who have both signed the Notice of Intent, satisfying State requirements for this direct petition method of annexation per RCW 35A.14.120.

The submitted Notice of Intent includes two exhibits, Exhibit "A" is the *Mathews Annexation Land Description* (a legal description of the parcel) and Exhibit "B" is the *Mathews Annexation Exhibit* which is an annotated copy an online assessor's map.

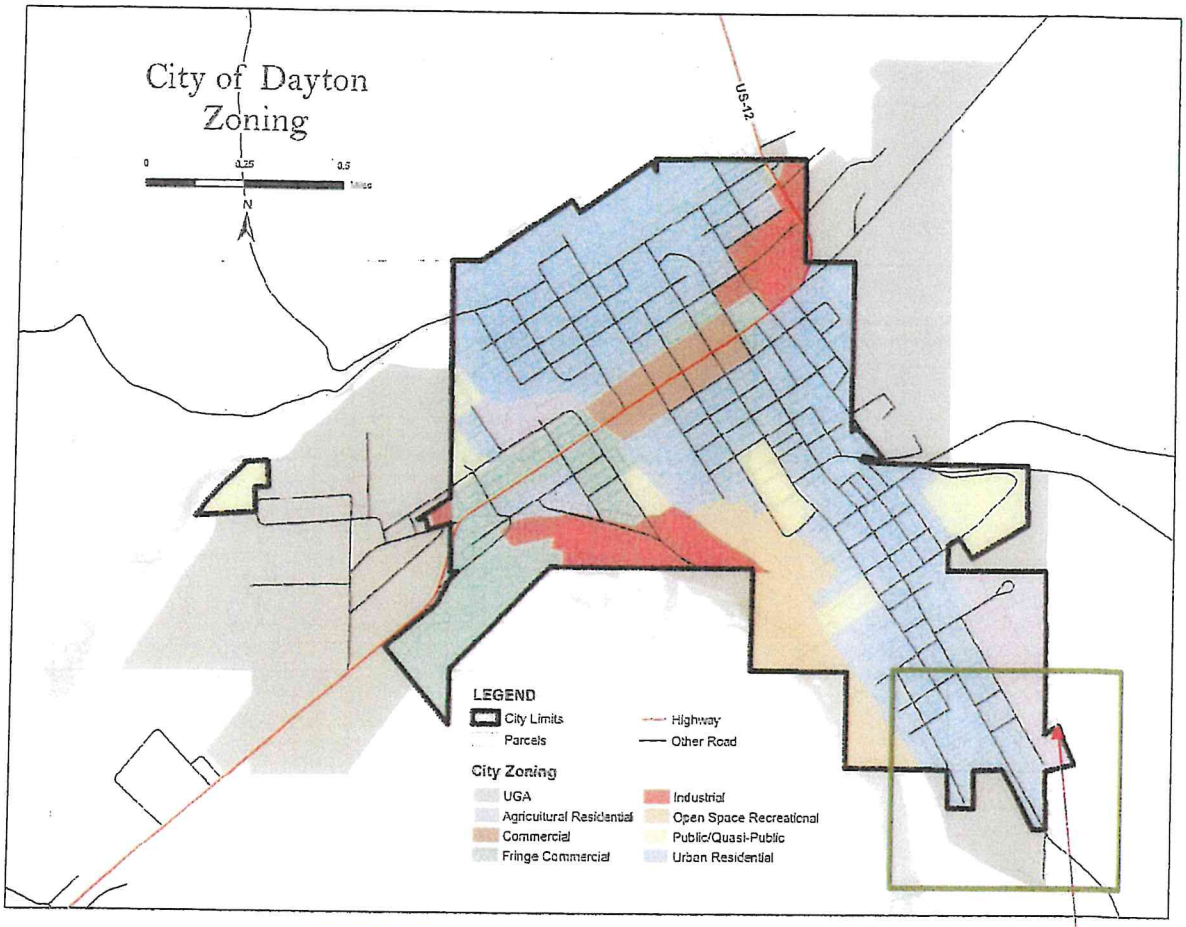
The subject parcel is unaddressed and assigned Columbia County Parcel # 2-530-00-045-0000. The site borders the current City limits along the parcel's western boundary and is included within the City's Urban Growth Area (UGA). The site is located generally east of South Fifth Street. The parcel is 29,571 sq ft (0.68 acres) and is partially landscaped but contains no buildings. There does not appear to be current legal, physical access to the parcel except through the three parcels adjoining to the west (also owned by the Mathews'). City services are nearby.

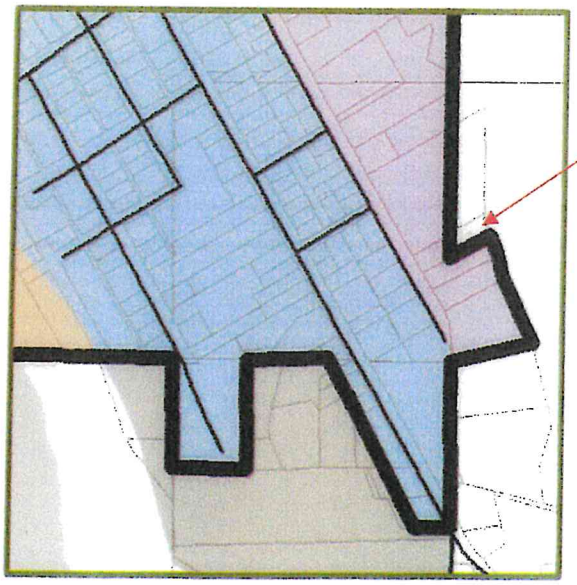
In addition to the annexation request, the applicants must also seek a zoning designation to become effective at the time of annexation. The logical zoning designation would be "Agricultural Residential" as a large area of land in the part of town where the parcel is situated has that zoning. The City's Comprehensive Plan designates the lot as having an *Urban Residential* land use classification; the "Agricultural Residential" zoning generally complies[1] with this land use designation. The zoning will be

[1] Typically the appropriate zoning designation for lands classified as *Urban Residential* (on the City's

determined at a later stage.

See attached Draft Resolution, Exhibits A and B for the legal description and map of the site. The location of the parcel is indicated on the zoning map, below.





SUBJECT PARCEL

The applicants have stated their future intent to subdivide (and reconfigure) their three lots within the city together with the lot proposed to be annexed (four existing lots) into six new lots. Any such subdivision proposal would be reviewed at the time of application.

INITIAL REVIEW

Upon receipt of a Notice of Intent to Annex, the City Council must meet with the initiating party within 60 days (pursuant to RCW 35.13.125) in order to determine:

1. Whether to accept, reject, or geographically modify the annexation proposal;
2. Whether it shall require the simultaneous adoption of a proposed zoning regulation;
3. Whether it will require the assumption of all or any portion of the existing city indebtedness.

If the City Council requires adoption of a proposed zoning regulation and/or assumption of all or any portion of indebtedness as conditions to annexation, it shall record this action in the minutes.

IMPORTANT NOTE: Council's decision whether to accept the Intent to Annex is within the Council's discretion. By accepting the proposal, the Council is not committing to ultimately annexing the proposed area, rather allowing the proposal to proceed with the next procedural steps. If the Council rejects the proposal, the initiating parties have no right of appeal and shall not circulate the annexation petition.

NEXT STEPS

If the City Council approves the request to circulate a petition, the applicant can then prepare and circulate a petition. The petition must be signed by at least 60% of the property value in the area and then filed with the City Council.

Within three days of the petition being filed with the City, the City must transmit the petition to the Columbia County Assessor. The County Assessor's office has the role of determining if the petition is "sufficient" – essentially confirming the assessed valuation and other matters.

Once the Assessor makes the determination of sufficiency, the City will set the date for a Planning Commission open-record public hearing and provide required notice in accordance with City Code and RCW 35A.14.130. The City's Planning Consultant will prepare a staff report for the Planning Commission and evaluate the proposal, particularly for conformance to the goals and policies included in the City's Comprehensive Plan.

Following a public hearing, the Planning Commission will formulate a recommendation and forward such recommendation to the City Council. The City Council will subsequently hold a closed record public hearing and may pass an ordinance to annex all or any portion of the proposed area (but may not include any property not described in the petition). Upon passage of the annexation Ordinance, the City shall file a certified copy with the Columbia County Board of County Commissioners and submit annexation paperwork to the State Office of Financial Management.

WHAT DO WE MEAN BY "ASSUMPTION OF CITY INDEBTEDNESS"?

The following language from MRSC's "Annexation by Washington Cities and Towns (June 2020) provides detail on this topic:

The annexation statutes authorize the city council to require property in an area being annexed to assume, as a condition of annexation, a pro rata share of the annexing city's then outstanding indebtedness that had been approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. In each city there will be different factors that should be considered in deciding whether to require debt assumption. Some of the issues a city should examine in reaching a decision on this question are:

- *Was the outstanding indebtedness incurred to finance an improvement or facility that will benefit the newly annexed area?*
- *Will assumption of a proportionate share of the city's outstanding indebtedness place an excessive financial burden on annexed property in light of other indebtedness previously placed on the property through the county or special districts, which will remain on the property after annexation?*
- *Will the property to be annexed be forming an expensive LID for special improvements, such that requiring assumption of the outstanding indebtedness would not be equitable?*
- *To what extent does the annexing city desire to encourage (or subsidize) the annexation?*

Most cities do require the assumption of indebtedness as a condition of annexation, unless in a particular circumstance this would not be equitable. This issue may be addressed in a city's annexation goals and policies, so that the city is consistent in its requirements, and all potential annexation areas are aware of them.

The City of Dayton's Comprehensive Plan section 4.1.3.5 sets out goals and several policies related to Annexation and the Urban Growth Area, and specifically addresses the issue of indebtedness in this context, stating "Annexed areas will normally be required to assume their share of the city debt except when the area is carrying exceptional debt, which will continue after annexation, or the present city indebtedness does not benefit the annexation area."

RECOMMENDATION

Staff recommends that the City Council adopt a resolution accepting the petitioner's Intent to Annex, along with simultaneous adoption of zoning and the assumption of all of the existing city indebtedness. A draft resolution has been prepared based on these recommendations.

RECOMMENDED MOTION

I move to approve Resolution ___ to authorize the circulation of the annexation petition known as "Jasper Pines Annexation" as proposed, to require simultaneous zoning, and require the assumption of all of the existing city indebtedness.