

ORDINANCE NO. 96-2224

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, PROVIDING FOR THE ANNEXATION OF REAL PROPERTY COMMONLY KNOWN AS "THE EAST BLAINE ANNEXATION" INTO THE CITY OF BLAINE.

WHEREAS, pursuant to RCW 35A.14.120, a petition for annexation of real property has been filed with the Blaine City Council, and after due notice a public hearing was held at which the City Council indicated their approval of said annexation; NOW, THEREFORE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BLAINE as follows:

SECTION 1: The following described property is hereby annexed to the City of Blaine, County of Whatcom, State of Washington:

Legal Description attached as Exhibit A.

SECTION 2: Said annexed territory shall become a part of the City of Blaine and be subject to any part of the comprehensive plan of said city, and shall therein be designated as "Planned Residential" for land use purposes. This annexation shall also be subject to the conditions described in the Findings, attached hereto as Exhibit B.

SECTION 3: All property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as the property of such annexing city as assessed and taxed to pay for any now outstanding indebtedness of the City.

SECTION 4: Effective Date of Annexation. Regardless of the effective date of this ordinance, this annexation shall become effective on February 29, 1996.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

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8. Most of the current residents use public and private services within the City, including public schools, post office, library, shopping and roads. The outer edge of the proposed annexation area is 4.5 miles from the city center.

9. The updated 1995 FISCAL IMPACT ANALYSIS estimated that the area would generate approximately \$76,060.00 per year in taxes, permits and other revenues after the first year, and it would cost \$93,906.00 per year to provide public services. In the first year, property taxes and per capita shared revenues will not be collected, and the cost to provide services will be less due to continued fire protection by District 13. As additional development occurs, revenues will increase and per capita costs will decrease. The annexation proponents are willing to pay an annual fee equal to the difference between revenues and expenses for as long as expenses exceed revenues.

10. Approximately one-third of the area is within the Blaine aquifer recharge area. If the area developed in the County with wells and septic tanks, this could result in 30-40 individual wells and septic tanks in the city watershed. The proposed annexation and rezone would result in increased density in the area, provided water, sewer, stormwater retention and treatment and aquifer protection measures are provided.

11. The annexation area includes approximately 75 acres of wetlands. These areas provide stormwater retention and treatment, and wildlife habitat. Development of these wetlands would be restricted under the City Wetland Ordinance and federal laws.

12. The annexation area is within the proposed City of Blaine Urban Growth Area.

CONCLUSIONS

1. The East Blaine Annexation area is a logical expansion area to meet the future housing needs for the City of Blaine over the next 10 to 20 years. It is close to the city center and public services, and could be easily served by roads and utilities.

2. There is not sufficient development or appraised value in this area at this time to generate sufficient revenues to pay for required public services without subsidy.

3. If the development is properly designed and constructed with clustered development, water and sewer service, stormwater treatment and retention, and aquifer protection, the water quality and aquifer recharge impacts of the proposed development would be less than if the area developed in the County at rural densities on wells and septic tanks.

4. Wetlands are adequately protected by city ordinances and federal laws.

5. Water supply, sewage treatment plant capacity, and electrical substation capacity are sufficient to serve existing development, but will need to be expanded prior to additional development within the annexation area.

6. Road access and dedicated public rights-of-way are inadequate or do not exist in some areas to provide police and fire protection to existing residences.

PROPOSED CONDITIONS OF ANNEXATION

1. That the proponents (Vicwood/Connelly) pay the City an annual fee which is equal to the difference between the revenues generated by the annexation area and the cost to provide services to this area, until such time as the revenues equal or exceed the costs. Costs for the first year shall be based on the February 9, 1995 FISCAL IMPACT ANALYSIS FOR EAST BLAINE ANNEXATION by Richard Trottier Associates, and the amount for subsequent years shall be negotiated annually for the next three years, and every two years thereafter, based on the formulas in this report and actual cost information. A bond, deed of trust or other surety shall be provided by the proponents prior to annexation to ensure payment of this annual payment over a ten-year period.

2. A one-time mitigation fee will be collected from the building permit applicant at the time of each building permit approval to support police and fire protection for a two-year period after construction until property taxes are collected to support these services. This mitigation fee will be based on the formulas and cost information from the fiscal impact analysis, as updated, and may be replaced by a City-wide impact mitigation fee upon the adoption of an impact mitigation ordinance.

3. That the proponents dedicate aquifer protection areas of sufficient size and location to protect the aquifer recharge function of this area. The exact size and location of these areas shall be determined prior to the approval of any subdivisions or Planned Unit Developments within the annexation area. This area shall include 25-foot corridors on both sides of all creeks or streams. These areas shall be retained for aquifer recharge, wildlife habitat and recreation and shall remain undeveloped except for pedestrian or bicycle trails.

4. That the proponents assist the City in obtaining public rights-of-way or public access easements and utility easements to all properties which do not have legal access, and improving these roads to rural road standards by accomplishing the following within six months of annexation:

- Research deeds for parcels adjoining the following streets: Jerome; Canada View; Rose View; Park View; Poplar View; and Cedar View.
- Prepare dedication deeds for those parcels where public access has not been dedicated and negotiate with property owners to sign these deeds by offering to improve these roads upon dedication.
- Improve these roads to rural road standards, as adopted by the City, where dedication of right-of-way has been obtained.

Proponents' obligation under this section is terminated upon completion of the construction above.

The City agrees that additional building permits or utility connections will not be issued for parcels which do not have legal access constructed to meet rural road standards and utility easements for utility lines leading to the property.

5. That the proponent, prior to the time the City assumes fire protection responsibility for the (projected to be in January, 1997) install a fire hydrant with 1,000 gpm capacity at 20 psi residual pressure within 800 feet of every house within the annexation area.

6. That the proponents of the annexation shall be responsible for the development and expansion of the necessary utility infrastructure to support development of the area subject to the following conditions:

6.1 Within six months of annexation or prior to approval of any PUDs in the annexation area, whichever is sooner, the annexation proponents shall prepare and submit predesign reports (engineering reports) setting forth the infrastructure requirements of the entire annexation area. For the below-listed systems, the predesign reports shall be completed per the appropriate requirements of the Washington Administrative Code and the City of Blaine, and shall set forth alternatives to meet the required improvements for service demands of the annexation area, including, but not limited to:

Water: Supplies, storage, transmission and distribution;

Wastewater: Wastewater treatment plant capacity, and extension of the sewer collection system required;

Drainage: Capacity, location, route and timing of detention, retention, infiltration, treatment and conveyance systems;

Streets: Standards, routes and timing of transportation systems, including vehicles, pedestrians, bicycles;

Electrical: Capacities, routes, buy-out or replacement options and timing of electrical system improvements.

These reports shall include schedules for the development and/or extension of the infrastructure, location of scheduled development, and all applicable costs associated with development known at the time of report preparation.

6.2 Based on the conditions of the approved predesign report, all developers shall enter into specific agreements which set forth a schedule of improvements for extension of and expansion of the necessary infrastructure to support the proposed development.

6.3 Each PUD application shall include plans and specifications for all necessary water, sewer and electrical facilities improvements.

a. All water system facilities shall be designed by a professional engineer registered in the State of Washington. Design and installation of the improvements shall be the property owners' responsibility.

b. Design shall be subject to regulations of the Departments of Health and Ecology, American Public Works Association/Department of Transportation specifications, City of Blaine Municipal Code, and construction standards.

c. Dedication of the improvements together with the necessary easements to the City to provide for egress/ingress and maintenance and repair of the proposed improvements. Drainage facilities shall be dedicated to the City, subject to a maintenance agreement and fee, or have a private maintenance guaranty.

6.4 Prior to PUD or final plat approval, developers shall pay the identified shares of improvements or phased improvements as listed in the schedule of each design report, all applicable connection fees, and all assessment fees.

6.5 Development and formalization of a reimbursement agreement (a latecomer agreement between the City of Blaine and those property owners responsible for system improvements) is optional. The agreement will provide for collection and reimbursement of the installation costs from future owners desiring connection to the system.

6.6 The proponents of the annexation (Vicwood/Connelly) shall provide sewer laterals to property lines of all properties fronting on or within 200 feet of any sewer mains installed as a result of the development of the Vicwood/Connelly properties per B.M.C. 13.08.260.

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