TO: Stevenson City Council  
FROM: Ben Shumaker  
DATE: May 19th, 2016  
SUBJECT: Pauly/Bone Road Annexation Request

Introduction

This memo introduces the Pauly/Bone Road Notice of Intent to Annex, and walks through the decisions the City Council must make in order to authorize a Petition for Annexation of this Area. To help the City Council make these decisions, a series of maps, figures, and discussions about the Plan for Service and Potential Zoning of the area are attached. The Planning Department has prepared these documents independent from the Public Works Department’s review of this proposal, and outside engineering analysis was not consulted. Inconsistencies may arise as a result and should be resolved by the City Council prior to authorizing a Petition for Annexation for this request.

Key Decisions by City Council

The City Council may decide to reject this request outright.

If the Council wishes to entertain this annexation request, the following decisions are statutorily required of the City Council under RCW 35A.14.120. Recommendations are included in brackets.

1. Will you accept, reject, or geographically modify the proposed annexation area? [Geographically modify]
2. Will you require simultaneous adoption of a proposed zoning regulation? [No, unable to provide specific recommendation]
3. Will you require the assumption of all or any portion of existing city indebtedness by the area to be annexed? [No]

The recommended answers to the above questions are based on the City Council’s determination of a Plan of Service for the Annexation Area and the selection of specific tools to accomplish that plan of service. The main decisions to be made on these topics are:

4. What infrastructure is necessary to serve the annexation area in the future? [See Plan of Service discussion below]
5. What tools should be used to ensure the infrastructure is installed? [LIDs, annexation agreements OR zoning in lieu of those tools]
6. When should this infrastructure be installed? [Within 10 years]

Infrastructure Plan of Service

The Council’s decision making process should begin with the Question 4 above. To assist in answering that question, the Planning Department reviewed the provision of sewer service, the provision of water service, the fire suppression coverage, the presence of storm water facilities, and the existing road dimensions in the vicinity of the Annexation Area. The Planning Department did not review road slope, road condition, road lighting, road striping, depth of surfacing, stormwater capacities, wastewater lift/pump station capacities, or
full wastewater treatment plant capacities. The Public Works Director and/or the City Engineer should be consulted before making decisions on those factors.

**Information Sources**

The sources used in this analysis included field and remote measurements of existing conditions and review of the following plans, regulations, and standards:

- *City of Stevenson Wastewater Facilities Plan*, September 1991
- *Stevenson Engineering Standards for Public Works Construction*, March 2004 (Ordinance 987)
- *City of Stevenson Water System Plan Update*, September 2007
- *Stevenson Comprehensive Plan*, March 2013

Based on those sources, several deficiencies in the fire suppression, road, sewer, stormwater, and water systems have been identified (See attached Maps 3-6 and Figures 1&2). Overcoming those deficiencies can be accomplished according to the Overall Plan of Service below.

**Components of Plan**

The Plan of Service in the attached Map 7 involves extension of sewer lines as projected in the 1991 plan, upgrading water lines in Bone and Guide Meridian roads, installing a pressure reducing valve in Bone Road, adding fire hydrants, dedicating adequate rights-of-way, and improving roadways.

The following specific decisions should be made on the required improvements in those systems:

1. **Fire Suppression**: How many fire hydrants should be required to provide appropriate coverage? [2-3]
   a. Rationale behind recommendation: Current National Fire Protection Association standards call for hydrant spacing of no more than 800 feet. The current spacing between the nearest hydrants on Loop and Bone Roads is ~1,950 feet. The addition of 1 hydrant on Loop Road and one hydrant on Bone Road will close the gap and provide coverage to the annexation area. It would also be wise to locate a 3rd hydrant on Guide Meridian to ensure fire protection of existing and future homes in that area, however, its installation may not be a priority.

2. **Roads**:
   a. Should the City require dedication of right-of-way or easement in Guide Meridian Road? [Yes]
      i. Rationale behind recommendation: Guide Meridian is the proposed course for the sewer collection service from this area, but as a private road, the City has no right to install the utility. Without dedication of right-of-way or granting an easement the Plan for Service is impossible.
   b. Should Bone, Loop, and Guide Meridian be brought up to City standards? [Not fully]
      i. Rationale behind recommendation: Surrounding City roads are not developed to the current City standards and the Annexation Area should not be out of character with the surrounding area. Furthermore the Planning Department views current City standards as excessive for the needs of travel on most of Stevenson’s roadways. A middle ground should be found.
   c. What standard is appropriate for these roadways? [Dedication of right-of-way, installation of 1-side sidewalks on Bone Road, increased paved widths on Bone and Guide Meridian roads].
      i. Rationale behind recommendation: this infrastructure installation will 1) improve the roadway services, 2) be in character with the surrounding City roads, and 2) facilitate future improvements when necessary.

3. **Sewer:**
a. Should sewer lines be installed or should this area develop based on on-site septic systems? [Sewer extension]
   i. Rationale behind recommendation: Lots served by septic systems will not achieve the density projections of the Stevenson Comprehensive Plan, reduce the feasibility of extending sewer to serve areas near or beyond this, and reduce the overall sustainability of the sewer system’s rate structure.

b. Should the sewer line extension run down Loop Road or down Hillcrest Avenue?
   i. The sewershed boundaries of the 1991 sewer plan separate the Annexation Area from the existing development across Bone Road. The planned sewershed for this area is intended to gravity collect from a large area of the Stevenson sewer district. Retaining the 1991 sewershed boundaries will ensure the waste is only pumped at the Rock Creek Lift Station. Removing this area from that sewershed would place it in the Kanaka Creek shed will require wastes be pumped twice, once at the Kanaka Creek Pump station and once at the Rock Creek Lift station. Removing this area from the central-east sewershed would also limiting the potential number of users in that sewershed. That reduction would have an equal impact on the financial feasibility of extending and maintaining sewer trunk lines in this sewershed at any time in the future.

c. Should the properties contribute to the cost of extending a sewer line? [Yes, proportionately]
   i. Rationale behind recommendation: As users at the end of a long sewer line, the properties in the Annexation Area would bear an overly burdensome expense if they were required to fund the full sewer line extension.

4. Stormwater: Should open ditches or curbs, catch basins, storm piping and manholes be used to convey stormwater? [curbs, etc. when sidewalks are installed, ditches when no sidewalks are present]

5. Water:
   a. Should the properties contribute to the cost of the Bone Road waterline upgrade? [Yes, proportionately]
   b. Should the properties contribute to the cost of a PRV on Bone Road? [Minimally, if at all]
      i. Rationale behind recommendation: the majority of the properties in the Annexation Area are either currently served by public water or located at elevations that would not benefit from the pressure reducing valve.
   c. Should the properties contribute to the cost of a Guide Meridian water upgrade? [Yes]

**Tools for Infrastructure Installation/Timing**

This section addresses questions 5 & 6 above. The City Council has wide latitude in the requirements they place on property owners petitioning for annexation. As equal partners in this process, the property owners have equally wide latitude to reject the requirements and remain in county jurisdiction. An appropriate middle ground should be found amongst the following three possible options are:

1. Requiring infrastructure installation prior to acceptance of a Petition for Annexation. [Not recommended]
   a. Rationale behind recommendation: The Stevenson real estate market is not strong enough to bear this burden and there is little likelihood that 60% of the owners would agree to complete the construction ahead of time.
   b. Timeline associated: As determined by property owners, but immediately prior to annexation.

2. Requiring contracts/agreements with the annexation area property owners to install infrastructure according to a specific timeline. [Recommended]
   a. Rationale behind recommendation: “Waivers of Protest/Remonstrance” (RCW 35.43.180 and other “Annexation Agreements” are binding contracts for the parties signing them. These agreements frontload staff explanation and negotiation efforts, but will provide
assurances about the scope of improvements made and the timing of their installation. This intermediary step helps the property owners finance the improvements over time and works with property owners as the real estate market develops.

b. Timeline associated: Largely as determined by City but within 10 years.

3. Developing zoning designations to influence market decisions leading to the improvement of infrastructure systems. [Not recommended]

a. Rationale behind recommendation. Zoning 1) is an imperfect tool to accomplish the improvements sought, 2) will require constant explanation and negotiation on the protocols and outcomes, 3) is subject to more stringent due process and appeals standards, 4) provides no assurance of timelines for installation of infrastructure, 5) can frustrate market forces and achieve the opposite of the intended outcome.

b. Timeline associated: Unknown, as determined by property owners and market forces.

4. Requiring nothing at this point and letting the market dictate when and if the infrastructure will be installed. [Not recommended]

a. Rationale behind recommendation. The “Vee” and the “Upper Vee” annexations along Frank Johns Road should serve as a cautionary tale regarding this approach. At that time, suspicions of failing septic systems and a strong real estate market were thought to provide enough market forces to extend sewer lines and improve infrastructure. 9 and 13 years later, the infrastructure systems are in the same state as they were prior to annexation.

b. Timeline associated: Unknown, as determined by property owners and market forces.

A draft Waiver of Protest is attached as a basis for the Council make decisions.

**Question 1- Geographic Boundaries of the Annexation Area**

Based on the above recommendations, the Planning Department is recommending geographic modification of the Annexation Area to include 2 additional properties on Guide Meridian and 2 additional properties on Bone Road (Map 2).

**Rationale behind Guide Meridian Recommendation**

The recommendation to include the 2 Guide Meridian properties is based on the planned sewer system extension and future extension of road networks in the Annexation Area. Because easement or right-of-way in that private roadway is the lynchpin to providing sewer collection services to the remainder of the annexation area, these 2 properties should be involved in the annexation discussion to ensure the right to install the line is obtained now so delays are not encountered later.

A note of caution should be mentioned along with this recommendation. These properties are previously developed and connected to the City water system. Despite 1) the decrease in taxes 2) the decrease in water rates, and 3) reduced responsibilities for maintenance of the private road, there may be little motivation for them to sign the petition and incorporate into the City. Obtaining the signatures of the owners of 60% of the assessed value in the area may be more difficult as a result.

**Rationale behind Bone Road Recommendation**

A major City water line is already located in Bone Road, and extending other sewer services and road networks is more feasible if the larger tracts in this area are included.

A note of caution should be mentioned with this recommendation as well. The upper portion of this area is located at elevations above what can be served by the current Pressure Zone 3. A higher elevation reservoir may be necessary before some areas of these properties can be served by City water.

**Final Word on Area**

Extreme caution should be exercised in adding territory to the Annexation Area. The recommendations here are made based on the logical provision of service, not on political realities of securing an acceptable number of signatures on the petition. Political realities should be considered. The Notice of Intent for this proposal
was signed by owners of only 12% of the assessed value, and there are several unknowns about the
surrounding properties desire to annex. If these unknowns lead to worries about the ultimate success of a
petition, then it may be wise to remove the 2 Guide Meridian properties and focus only on the 8 remaining
properties (the original 6 in the notice and the Bone Road properties).

**Question 2- Zoning**

Because the City has not pre-zoned areas outside of city limits, the application of city zoning to the
Annexation Area cannot occur simultaneously with approval of the annexation. Zoning decisions will have
to be made shortly after annexation occurs. At that time, the Planning Department will recommend either R1
Single-Family Residential or a new Urban Reserve overlay to be applied to the R1 District.

As described in Figure 2, the Planning Department’s recommendation on Zoning is dependent on the
decision made in the plan of service. If waivers of protest/remonstrance and annexation agreements
regarding the installation and timing of utilities are secured then the Zoning recommendations can be
simplified. If those documents are not considered then the Zoning recommendation will be more robust.

**Question 3- Assumption of Indebtedness**

The Planning Department is unaware of any outstanding City indebtedness, and this decision by the Council
may be easy as a result. If there is not indebtedness, there is no need to require properties in the Annexation
Area to assume it.

When the Council is satisfied with the answers to the questions presented in this memo, the Planning
Department recommends authorizing a Petition for Annexation similar to the attached draft and subject to
the petitioner's entering into a Wavier of Protest similar to the attached draft.

Prepared by,

Ben Shumaker
Planning Director

Attachments

- Planning Department Annexation Study, Maps, Figures, and Discussion
- Draft Petition for Annexation
- Legal Description of Annexation Area (PENDING)
- Map of Annexation Area (DRAFT)
- Waiver of Protest/Annexation Agreement (DRAFT)
- Written Plan for Service (DRAFT)
Map Key

- Area Proposed in Notice of Intent
- Existing City Limits
Map Key

- Area Proposed in Notice of Intent
- Area Recommended for Petition
- Signatories on Notice of Intent
- Other Supportive Properties
- Existing City Limits

Map 2– Potential Annexation Area
Description
There are waterlines adjacent to the annexation area on Bone and Loop Roads and within the annexation area on Guide Meridian Road. The lines within Bone Road and Guide Meridian are undersized.

- Currently served by City Water
- Existing Water Line
- Planned Improvement to Water Line
- Water Pressure Zone
- Planned Pressure Reducing Valve
There are no sewer lines adjacent to the annexation area. The nearest sewer main line within the Annexation Area’s sewershed is ~2,000 downhill at the intersection of Loop and Kanaka Creek roads.

- **Existing Sewer Line**
- **Planned Extension of Sewer Line**
- **Sewershed Boundary**
Description
There is one hydrant adjacent to the Annexation Area at the intersection of Bone Road and El Paso Lane. 1 hydrants is located within 400 Feet of the Annexation Area, but several areas along Loop and Bone Roads are under covered.

Water Line
_existing Fire Hydrant
Potential Fire Hydrant
**Figure 1– Water & Sewer Discussion**

**Existing and Planned Water & Sewer Systems**

Both the sewer plant and location of sewer mains present barriers to service to the Annexation Area. Capacity exists within the water system to serve the annexation area, but water mains within and adjacent to the annexation area are undersized. Hydrants are improperly spaced for full fire suppression coverage.

**Water**

**Bone Road**– ~1,600 Feet of 8 Inch AC waterline currently exists within Bone Road and connects to a main on Loop Road after crossing ~200 Feet of private property within the Annexation Area. No pressure reducing valves are located on this line. **Bone Road Water Deficiencies:** The *City of Stevenson Water System Plan Update* from September, 2007 identifies replacement of this line with a 10’’ ductile iron line and installation of a pressure reducing valve at the Pressure Zone 2/3 boundary.

**Loop Road**– ~800 Feet of 8 Inch ductile iron line and ~150 Feet of 4 Inch AC line currently exist in Loop Road adjacent to the Annexation area. **Loop Road Water Deficiencies:** No deficiencies are identified based on the *City of Stevenson Water System Plan Update* from September, 2007, however replacement of the 4 inch AC may be necessary at some point in the future.

**Guide Meridian Road**– ~525 Feet of 1 Inch PVC waterline currently exists within Guide Meridian. This is a dead end line serving limited homes. **Bone Road Water Deficiencies:** None are identified based on the *City of Stevenson Water System Plan Update* from September, 2007, however the Stevenson Engineering Standards for Public Works Construction currently require at least 2 Inch waterlines and up to 8 Inch lines if fire hydrants are necessary in the future.

**Sewer**

**Bone, Loop & Guide Meridian Road Systems**– No sewer line exists within or near the Annexation area. **Sewer Collection System Deficiencies:** With one exception, the 1991 *City of Stevenson Wastewater Facilities Plan* places these properties in East-Central sewershed with gravity collection from a main line running in Guide Meridian and Loop roads to the Rock Creek Lift Station. The closest sewer line on this course is ~2,000 Feet from the Annexation area. The exception places the one property at the corner of Bone and Loop roads into the Eastern sewershed with gravity collection toward the Kanaka Creek Pump Station.

**Wastewater Treatment Plant Capacity**– Little to no capacity currently exists at the Wastewater Treatment Plant to serve the Annexation Area. **Sewer Treatment Deficiencies:** Current readings at the Wastewater Treatment Plant are exceeding permitted levels, and additional connections are not recommended until one or both of the following occur: 1) pretreatment by users contributing excessive loads, 2) plant expansion and/or rerating to accommodate additional connections. Consult with Public Works on full scope of the plant’s capacity concerns and timelines for addressing these issues. *Note:* The Planning Department did not review capacities at the Rock Creek Lift or Kanaka Creek Pump stations. Additional deficiencies may also be present in those systems.

**Fire Suppression**

**Bone, Loop & Guide Meridian Roads**– 1 fire hydrant is located adjacent to the Annexation Area, and 1 fire hydrant is located within the National Fire Protection Association’s recommended 400 Foot maximum hydrant distance for single family homes. **Fire Suppression System Deficiencies:** Up to 2 additional hydrants on Bone and Loop roads could be necessary to cover all properties in the Annexation Area with adequate fire suppression coverage. As land develops, additional hydrants could be necessary on Guide Meridian or other roads added for interior circulation within the Annexation area.

**Recommendation**

Owners of property in the Annexation Area should be responsible for a proportionate share of the capacity upgrades to the Bone and Guide Meridian water lines, the 2,000+ Foot sewer main line extension, and installation of fire hydrants to cover the annexation area. The City Council may require any of the following as a pre-requisite of their acceptance of a Petition for Annexation:

- Fully improved water, sewer collection, and fire suppression systems addressing the above deficiencies.
- Signed and recorded waivers of remonstrance regarding formation of a local improvement district to address the above deficiencies.
- Signed and recorded annexation agreements preventing City issuance of residential building permits or land divisions until the above deficiencies are addressed.
- Signed and recorded annexation agreements to abandon wells and septic tanks and connect to municipal services when available.
- No pre-requisites.
Description

There are no roads or interior circulation in the Notice of Intent's annexation area, however, one private (Guide Meridian) and two County roads (Loop & Bone) are adjacent to the area.

- Loop Road (County) - ~625 Feet of roadway included in proposal. ~950 Feet of roadway included in recommendation.
- Bone Road (County) - ~1,125 Feet included in proposal. ~1,750 Feet included in recommendation
- Guide Meridian (Private) - ~50 Feet included in proposal. ~525 Feet included in recommendation

Cross Section in Figure 2

Potential Future Road Corridors (Generalized)
Recommendation

Owners of property in annexation area should be responsible for dedicating adequate right-of-way and improving Bone Road, Loop Road, and Guide Meridian to Local Street standards. The City Council may require any of the following as a pre-requisite of their acceptance of a Petition for Annexation:

- Fully improved and dedicated roadways addressing the above deficiencies.
- Signed and recorded waivers of remonstrance regarding formation of a local improvement district to address the above deficiencies.
- Signed and recorded annexation agreements preventing City issuance of residential building permits or land divisions until the above deficiencies are addressed.
- No pre-requisites.
Recommendation

This plan of service identifies the water and sewer lines and additional right-of-way anticipated as necessary in order to provide the standard of services Stevenson provides. Additional territory is recommended for inclusion in the Notice of Intent Area as a logical way to facilitate provision of those services from Bone and Guide Meridian roads.

- **Area in Notice of Intent**
- **Recommended Annexation Area in Petition**
- **Water System Upgrades**
- **Sewer Line Extension**
- **New Fire Hydrant**
- **Newly Dedicated ROW on Bone & Guide Meridian Roads**
The entire Annexation Area is zoned R1 Residential by Skamania County. The entire area adjacent to the Annexation Area is zoned R1 Single Family Residential by the City of Stevenson. The 2013 Stevenson Comprehensive Plan designates the Annexation Area as Urban Reserve-High Density Residential. The High Density Residential portion of this designation anticipates the densities of the R1 Single Family zone or greater. The Urban Reserve portion of the designation seeks to limit development until urban services (water and sewer) are available to the area.

- **Urban Reserve– High Density Residential**
- **City Limits (City/County Zoning Boundary)**
**Figure 3– Zoning Discussion**

**Existing Zoning**

Decision on Zoning are dependent on prior decisions made for the Plan of Service and the tools used to accomplish that plan.

**Existing Zoning**

- **County Zoning**— The entire Annexation Area is zoned R1 Residential 1 by Skamania County. Minimum lot sizes in this district range from 2 acres to 8,000 square feet depending on the availability of public water and sewer.

- **City Zoning**— The areas adjacent to the Annexation Area are all zoned R1 Single-Family Residential by the City of Stevenson. Minimum lot sizes in this district range from 1 acre to 6,000 square feet depending on the availability of public water and sewer.

- **City Future Land Use Map**— The entire Annexation Area is designated as Urban Reserve– High Density Residential. The High Density Residential part of this designation anticipates lots smaller than 15,000 square feet and the consideration of multi-family zoning. The Urban Reserve part of the designation seeks to limit development in these areas until urban/municipal services like water and sewer are available to serve the properties at the anticipated density.

**Potential Zoning**

- **R1 Single Family Residential**— Similar to the surrounding areas in the city, this would allow development of single-family homes on lots as small as 6,000 square feet.

- **R2 Two Family Residential**— This would allow development of duplexes and lots as small as 6,000 square feet.

- **R3 Multi-Family Residential**— This would allow development of apartments and lots as small as 7,500 square feet.

- **UR R1 Single Family Residential**— Provisions for this zoning district do not currently exist and would have to be adopted by ordinance before being applied to this property. The exact densities and allowed uses are therefore not known at this time, but would seek to allow minimal levels of development while reserving larger tracts for future development when water and sewer become available.

- **SR Suburban Residential**— This would allow development of single-family homes and lots as small as 15,000 square feet. This zoning designation is not consistent with the Comprehensive Plan and its application to these properties would need to be very clearly described as temporary until municipal services are available.

- **Continue County Zoning**— In lieu of establishing a new zoning district for the Annexation Area, the City could choose to continue allowing the uses and densities available to these properties at the time they are annexed. This would still take City Council adoption of an ordinance, but the provisions of the district would be known ahead of time. (Not Recommended)

- **Other**— There are several other zoning scenarios that could be considered for the Annexation Area, however, the above description should provide a suitable range of options.

**Recommendation**

When a real estate market is strong, developers will seek to divide land at the minimum lot sizes allowed. In those cases simple Zoning decisions can be made that work in concert with the City’s (and developers’) capital improvement and maintenance plans. Stevenson’s real estate market is likely not strong enough to support this type of growth cycle, and more complex Zoning or development agreement decisions are necessary.

The Planning Department would like to avoid the more complex types of Zoning and rely on annexation agreements and waivers of remonstrance to formation of local improvement districts to ensure the public water and sewer systems are extended and upgraded in logical ways that are sustainable for ratepayers and taxpayers. However, if those agreements are not required when the Council authorizes the petition of annexation, then Zoning tools should be considered. The recommended Zoning for this Annexation Area, then, depends on decisions made and prerequisites established during review of the plan of service . The less robust those agreements are, the more robust the zoning should be, and vice versa:

- If waivers of remonstrance and annexation agreements limiting construction and land division are prerequisites of annexation, then R1 Single-Family Residential Zoning is recommended.
- If either but not both waivers of remonstrance and annexation agreements limiting development are prerequisites, then applying the temporary SR Suburban Residential district may be an intermediary step to help influence market decisions.
- If neither waivers of remonstrance nor annexation agreements limiting development are required, then the Planning Department recommends creation of an Urban Reserve overlay district that can be applied to the annexation area temporarily and removed when municipal services are available.
PETITION FOR ANNEXATION TO THE CITY OF STEVENSON
(60% Method under RCW 35A.14.120 through .150)

We, the undersigned, who are the owners of property totaling not less than sixty percent (60%) of the assessed value proposed for annexation, which to inform the
Stevenson City Council that we intend to commence the procedures for annexation to the City of Stevenson. By signing this petition, we legally acknowledge that we are
asking to be 1) assessed for City services, 2) regulated in compliance with the Stevenson Municipal Code; and 3) possibly responsible for infrastructure improvements within
the proposed annexation area as a condition of annexation to the City of Stevenson.

WARNING: Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions,
or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who
makes herein any false statement, shall be guilty of a misdemeanor.

Annexation Proposal Contact Person:________________________________________________________ Phone Number:____________________________
Mailing Address:________________________________________________________________________ Email Address:______________________________________

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This page may be one of a group of pages containing identical text intended by the signers of this petition to be presented and considered as one petition and may be filed
with other pages containing additional signatures which cumulatively may be considered as a single petition.

Attachments **Must** Include:
1) ☐ An approved legal description and map showing the proposed annexation boundary;
2) ☐ The official minutes of the public meeting at which this petition for annexation was authorized by the Stevenson City Council;
3) ☐ A list of specific conditions for approval of the proposed annexation, as per RCW 35.21.005
LEGAL DESCRIPTION OF ANNEXATION AREA

A tract of land located in

[Pending Completion]
The annexation area includes 10 properties with 10 owners. The area is approximately 30 acres, contains 6 homes, with 13 to 14 people (based on Stevenson’s 2010 average household size of 2.25).
AGREEMENT FOR DEFERAL OF IMPROVEMENTS

Grantor(s): [Property Owner Name]

Grantee: City of Stevenson

Legal Description: See Exhibit A

Tax Parcel Number: [Parcel Number]

THIS AGREEMENT is made and entered into this ____ day of ____________________, 20____, by and between the CITY OF STEVENSON, a municipal corporation of the State of Washington, hereinafter referred to as the “CITY,” and [LEGAL OWNERS’ NAMES], hereinafter referred to as “OWNER.”

WHEREAS, OWNER is the recorded owner of the following described property located within the city of Stevenson, Washington:

See Exhibit “A”

WHEREAS, OWNER’s property is located in the Annexation Area (Exhibit “B”) for an annexation initiated by Rick Pauly and Kim Salveson-Pauly (City file ANX2016-01); and

WHEREAS, the Stevenson City Council authorized a Plan for Service (Exhibit “C”) on _______________ _____, 20____ for municipal fire suppression, road, sewer, storm sewer, and water service to the Annexation Area, and

WHEREAS, OWNER is responsible for a proportionate share of the cost of improvements in this Plan for Service, and for which owners in the Annexation Area include the construction of frontage improvements by the OWNER to NW Roosevelt Street, as follows:

WHEREAS, CITY has authorized deferral of said improvements until after annexation occurs, and

WHEREAS, as a condition of granting deferral of said frontage improvements, the OWNER agrees to participate in any local improvement district, road improvement district, transportation benefit district, or
other similar type of district formed by the CITY for the construction of the above mentioned improvements;

NOW, THEREFORE, it is hereby agreed between the parties as follows:

1. The CITY hereby defers the installation of improvements for the Plan of Service associated with the notice of intent to annex filed with the CITY OF STEVENSON under File Number ANX2016-01.

2. In consideration therefore, and pursuant to RCW 35.43.182, OWNER hereby waives any and all right to protest the creation by the CITY of a local improvement district, road improvement district, transportation benefit district, or other similar type of district to construct the above described improvements, insofar as said improvement districts include within its area the above described property and to the extent that said improvements benefit the property above described. OWNER further agrees that if the CITY includes within a project not supported by an improvement district the above described improvements, OWNER, its transferees and successors in interest, hereby agree to participate in said project by paying their fair share thereof. In the latter event, a contract will be developed and executed between the parties which outlines the level of participation by OWNER in said project and the manner in which payment is to be made.

For the purposes of this Agreement, “right to protest” shall mean only those formal rights to protest contained within the local improvement district statutes, except, however, nothing herein shall constitute a waiver by the OWNER of the right to object to the OWNER’s individual assessment amount or to appeal to the Superior Court the decision of the CITY affirming the final assessment role, which rights are specifically preserved.

3. As further consideration for the above, OWNER hereby grants, conveys to CITY, through its City Administrator a special power of attorney to exercise any and all rights held by OWNER, its heirs, assigns, transferees or successors in interest, including any purchaser, mortgage holder, lien holder or other persons who may claim an interest in said property described above, to commit said property to an improvement district which includes within its area the above described property and covers the improvements described above. For the purposes of this Agreement, the term “commit” includes the initiating and/or signing of an improvement district petition and the taking of any and all action necessary to reasonably complete all processes necessary to create said improvement district.

This power of attorney is granted in consideration of the approval hereby given by CITY described above, and shall be a power coupled with an interest which may not be terminated except at such time as the above approval be withdrawn or rescinded by the CITY. Further, in the event that jurisdictional authority over the improvements in the Plan of Service are transferred to another municipality, the CITY may assign its rights under this Agreement to such municipality.

4. As further consideration of the above, OWNER hereby agrees that no short plat or subdivision application for this property will be accepted as complete by the City until such time as the improvements are installed or an LID for sewer extension is initiated.

5. This Agreement touches and concerns the real property described above and hereby binds OWNER and its assignees, heirs, transferees, donees, and/or successors in interest to said property. This Agreement shall be recorded in the Skamania County Auditor’s Office.
6. This Agreement shall not be construed to waive any requirement under current ordinance, resolution, standards, or other authority of the County or CITY for the immediate or deferred installation upon or in conjunction with the above described property of any improvements not included herein.

7. If the Plan for Service if in Exhibit “C” is not complete by the expiration of this agreement, then OWNER agrees to complete the Plan for Service or negotiate an extension of the agreement with a new effective date.

8. This Agreement shall be effective for a period of ten (10) years from the date of recording.

9. It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is held by the courts to be illegal, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

If it should appear that any provision hereof is in conflict with any statutory provision of the State of Washington, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform to such statutory provision.

IN WITNESS WHEREOF the parties hereto have executed the Agreement on the day and year first above written.

CITY OF STEVENSON:

By: ____________________________
    Frank Cox
    Mayor

OWNER:

By: ____________________________
    ____________________________
    Board Member

APPROVED AS TO FORM:

By: ____________________________
    ____________________________
    Ken Woodrich
    City Attorney

On this ___ day of _________________, 20___, personally appeared before me ____________________________, to me known to be the individual(s) and/or corporate officers described herein and who executed the foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed on behalf of themselves or as corporate officers of the named corporation with full authority, for the uses and purposes herein mentioned.
On this ____ day of ____________________, 20____, personally appeared before me ___________________________________________ to me known to be the individual(s) and/or corporate officers described herein and who executed the foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed on behalf of themselves or as corporate officers of the named corporation with full authority, for the uses and purposes herein mentioned.

_____________________________________
Notary Public in and for the State of Washington,
residing at_______________________________
My commission expires:____________________
EXHIBIT “C”
PLAN FOR SERVICE

The following Plan for Service has been established for the Pauly annexation request along Bone Road (City File ANX2016-01) and addresses improvements to the City fire suppression, road, sewer, storm sewer, and water systems as required as a condition of acceptance of a petition for annexation of these properties.

Fire Suppression
1. Two fire hydrants shall be installed to close the coverage gap between existing hydrants at Lucas Street and El Paso Lane. The location of the hydrants is to be determined, but total spacing of these hydrants shall not exceed 800’.
   OR Fire hydrants shall be installed to meet then-current National Fire Protection Association standards.

Roads
2. Where ever the rights-of-way for Bone Road and Loop Road do not meet the City’s 60’ standard additional right-of-way shall be dedicated to the City until the 60’ width is achieved.
3. A minimum 5’ sidewalk shall be constructed along Bone Road from Loop Road at the southern end and extending to El Paso Lane at the northern end. Exact side of Bone Road is to be determined.
4. The 60’ private road known as Guide Meridian Road shall be dedicated to the City as right-of-way.
5. Prior to acceptance of the Guide Meridian Road right-of-way, the paved width of Guide Meridian shall be improved to at least 20’
   OR Roadways shall be improved to then-current City of Stevenson Engineering Standards for Public Works Construction (SES).

Sewer
6. The public sewer system shall be extended from the intersection of Loop Road and Kanaka Creek Road on the southern end and extending to the Williams Gas pipeline on the northern end. Exact size and location of the sewer line is to be determined.
   OR Sewer collection systems shall be installed to meet then-current SES.

Stormwater
7. Where sidewalks are installed adjacent to the roadway, storm sewer infrastructure shall also be installed. Infrastructure includes curbs, gutters, catch basins and piping to satisfy City standards.
   OR Stormwater collection and treatment systems shall be installed to meet then-current SES.

Water
8. The existing 8” AC waterline in Bone Road shall be upgraded to a 10” ductile iron pipe, and a pressure reducing valve shall be installed on this new line.
9. The existing 1” PVC waterline in Guide Meridian Road shall be upgraded. Exact size of line is to be determined.
   OR Water system shall be installed to meet then-current SES.