MEMO TO: City Council

FROM: John Marchione, Mayor

DATE: February 2, 2010

SUBJECT: NOTICE OF INTENT, ST. GEORGE'S COPTIC ORTHODOX

CHURCH ANNEXATION, L100002

I. RECOMMENDED ACTION

Accept the Notice of Intent to Annex and authorize circulation of a direct petition with conditions to annex the area known as the St. George's Coptic Orthodox Church Annexation (see Attachment A).

II. DEPARTMENT CONTACTS

Rob Odle, Director, Planning and Community Development, 425-556-2417 Lori Peckol, Policy Planning Manager, 425-556-2411 Eric McConaghy, Associate Planner, 425-556-2414

III. BACKGROUND AND DESCRIPTION

On October 2, 2009, St. George's submitted an application to the City of Redmond for sewer service outside city limits. The City's General Sewer Plan shows this site in Redmond's future sanitary sewer service area and the site is 2,700 feet from the existing sewer. St. George's proposed that, instead of constructing the 2,700 feet of sewer, they be allowed to connect to the City of Kirkland's sewer on an interim basis under special conditions that would support the extension of sewer service into the area according to the Redmond General Sewer Plan.

On November 17, 2009, City Council denied the request for the sewer connection, consistent with long-standing policy of allowing sewer connections only to property within the city limits of Redmond. Council members expressed support for St. George's proposal to develop their site once within Redmond's city limits. In response, St. George's notified Redmond of their intent to annex to the City of Redmond.

In January 2009, King County determined that St. George's application for a conditional use permit (CUP) from King County to build a church on the site was complete. The project is currently under review by King County pursuant to King County codes and regulations. As of January 2010, the project is on hold with a deadline of February 10, 2010, pending the submittal of additional information. Chief among the unresolved issues is the need for proof of a sanitary sewer connection to the site. Since the City will not issue a letter of sewer availability to King County, St. George's will not have proof of a sanitary sewer connection. Hence, this issue will remain "unresolved".

City Council

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Notice of Intent for Annexation

St. George's Coptic Orthodox Church filed a complete application on January 4, 2010, with the City of Redmond to annex 1.6 acres of property owned by the Church (see Attachment B). The proposed annexation area is located at 13216 NE 100th Street in unincorporated King County. The property has pre-annexation zoning of Residential Innovative, four to five dwelling units per gross acre, (see Attachment C).

The proposed annexation is located adjacent to the pending NE Rose Hill annexation. As directed by City Council, staff filed notice of intent to annex the NE Rose Hill on December 16, 2009. As of January 14, 2010, no party with standing to invoke the jurisdiction of the Boundary Review Board had requested a public hearing on the annexation. The time period to request a hearing ends on January 30, 2010. If the annexation is deemed approved at the King County Boundary Review Board, then City Council's public hearing on the annexation of the smaller area will be scheduled for March 2, 2010. The direct petition for the proposed St. George annexation relies on Council adoption of the pending NE Rose Hill Annexation.

Under RCW 35A.14, a minimum of ten percent of the total assessed value must be represented in order for the signers to present the Notice of Intent to the relevant legislative body. A single authorized signer, Father Anglelos Sarkis, signed the petition on behalf of the Church, the sole property owner for this annexation area. Therefore, the petitioners may present their notice of intent to Redmond City Council.

The City Council may accept, reject or geographically modify the proposed annexation. City Council may choose to authorize the circulation of the direct petition with conditions upon receiving the notice of intent and considering the proposed annexation (see Attachment D). The proposed conditions of the direct petition are:

1. All property within the proposed annexation area shall be assessed and taxed at the same rate and on the same basis as the property of the City of Redmond is assessed and taxed to pay for the portion of any then outstanding indebtedness of the City of Redmond, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation.

The first condition is typical part of direct petitions for annexation.

2. All property within the proposed annexation area shall be subject to the Redmond Community Development Guide and the subsequent proceeding pursuant thereto, notwithstanding any vested rights to develop according to King County Codes and Regulations. The petitioner(s) shall waive any such vested rights.

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The second condition is typical of direct petitions, except for the portion being with "notwithstanding." This portion makes plain that the signer agrees to give up all vested rights to develop under King County codes and regulations.

3. The property proposed for annexation will be zoned as provided in the City of Redmond Comprehensive Plan and zoning ordinance, with the property being zoned Residential Innovative (four to five dwelling units per gross acre).

The third condition is typical, as well.

4. The property proposed for annexation shall be subject to any interlocal agreement between the City of Redmond and the City of Kirkland regarding the coordination of sewer service to properties adjacent to NE 132nd Avenue NE.

The fourth condition makes plain that the signer understands the manner in which the property could be connected to sanitary sewer would be subject to an interlocal agreement between Redmond and Kirkland.

Note that the annexation of the St. George's property does not guarantee a sanitary sewer connection to the Kirkland sewer nor does it guarantee any other aspect of the church project. However, the annexation does allow for St. George's to move forward with review, and possibly approval, of the project under Redmond's rules.

If the City Council authorizes circulation of the direct petition, and if the petition is signed and returned, then Redmond would submit the petition to the King County Assessor for certification. Upon certification of the petition, the annexation can be submitted to the Boundary Review Board for King County. If the annexation is deemed approved at the Boundary Review Board, then City Council may schedule a public hearing regarding the proposed annexation.

The City of Redmond and King County share a common goal for annexation of all of NE Rose Hill to the City of Redmond. King County staff members have indicated support for a phased approach to annexing portions of unincorporated King County in NE Rose Hill. This phased approach is the viable means to accomplish the complete annexation of unincorporated land of NE Rose Hill to Redmond.

IV. ANALYSIS - CONSISTENCY WITH CITY ANNEXATION POLICIES

A-8 Annex all land within the Potential Annexation Area as soon as residents or property owners support annexation, and concurrently adjust growth targets between the City and the County.

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Property owners representing at least ten percent of the assessed value in the area proposed for annexation must sign the notice of intent to initiate an annexation petition. The authorized signer on the notice of intent represents 100 percent of the assessed value of the proposed annexation area.

A-10 Require annexation prior to extending utility service to unincorporated areas except for the following cases:

- Where Redmond is required to serve due to pre-existing service agreements; or
- Where an individual well or septic failure occurs, immediate annexation is not possible or expedient, and the property owner is willing to sign an agreement to annex the property in a timely manner.

The City Water Plan includes this area and the City of Redmond is currently serving the area with water. The Redmond General Sewer Plan includes this area, specifying the preliminary placement and sizing of sewer lines. Extension of sewer to new development would be developer financed.

A-12 Focus annexation efforts south of NE 124th Way/NE 128th Street and promote expeditious annexation of unincorporated land within Redmond's Potential Annexation Area by:

- Waiving annexation application fees;
- Encouraging joint applications;
- Prohibiting extension of sewer service into unincorporated areas (with exceptions as noted in this Element);
- Identifying environmentally constrained areas prior to annexation for inclusion in the City's sensitive area ordinance;
- Involving potential future residents in neighborhood plans;
- Ensuring consistency with Redmond's Comprehensive Plan; and
- Adopting pre-annexation zoning.

The proposed annexation is south of NE 124th Way/NE 128th Street. The proposed annexation area is included in Redmond's Potential Annexation Area and has preannexation zoning in place. A neighborhood plan is in place for this neighborhood.

A-13 Require developers to construct or fund public facilities to serve that development and require owners to construct or pay for health- and safety- related improvements related to their property for newly annexed areas. Consider using capital facilities funding as a supplement or instead of owner or developer funding if a citywide benefit can be shown for public facility improvements for those areas.

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If the area develops, St. George's Coptic Orthodox Church will be required to construct the public facilities necessary to serve that development.

A-14 Ensure that newly annexed territory accepts its equitable share of the City's bonded indebtedness.

The motion conditions the direct petition with the assumption of bonded indebtedness.

A-15 Require to the extent practical that individual annexation proposals have logical boundaries that include streets, natural topographical breaks, streams, and other physical features.

The proposed annexation is bounded by 132^{nd} Avenue NE and NE 100^{th} Street and is immediately adjacent to the boundary of the pending NE Rose Hill Annexation.

A-16 Avoid individual annexations that create islands of unincorporated land.

The proposed annexation does not create an island. The annexation reduces the size of the unincorporated island that would remain upon the pending completion of the NE Rose Hill Annexation. City staff will continue to pursue annexation of all of the remaining unincorporated area as quickly as feasible.

A-17 Review the right-of-way issues prior to defining boundaries of individual annexations to determine logical inclusions or exclusions, including review of the following issues:

- Whether the right-of-way will be needed for eventual provision of utilities or transportation links.
- Whether there are pre-existing utilities from a particular district or jurisdiction already in a right-of-way.
- Whether streets or bridges are in a safe condition.
- Whether assumption of a section of a regional arterial will produce an unfair burden for maintenance and expansion on the City.

There are no right-of-way issues or unfair burdens for maintenance as a result of the proposed annexation. The right-of-way of 132^{nd} Avenue NE belongs to the City of Kirkland and remains so regardless of annexation because Redmond's Potential Annexation area does not include 132^{nd} Avenue NE.

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V. IMPACT

<u>Service Delivery and Fiscal Impact:</u> Prior to annexation, the City incurs the costs of staff time needed to administer the direct petition and to file the petition, once signed, with the King County Boundary Review Board.

If the City Council approves annexation of the area to Redmond, the City would take on the cost of police response to the newly-annexed area. Fire coverage for the area is currently provided for by taxes paid to King County Fire District No. 34. Fire District No. 34 contracts with the Redmond Fire for service. After annexation, Redmond Fire would be the direct service provider paid for by City of Redmond property levies. Redmond provides water service to the area; water billing would remain generally the same. After annexation, sewer service would be available from Redmond.

The City would receive revenues from property tax and utility taxes from all parties not exempt from these taxes in the annexation area.

VI. ALTERNATIVES

- A. The Council may approve the Notice of Intent and authorize circulation of the direct petition for annexation subject to conditions by adopting the proposed motion (Attachment A). Staff strongly recommends this option to respond to the property owner's request. This action is consistent with Redmond's long-standing policy to support property owner requests to annex land within Redmond's Potential Annexation Area.
- **B.** The Council may modify the boundaries. Staff does not recommend this alternative because the effort to gather signatures to the direct petition for the NE Rose Hill annexation revealed sufficient opposition to annexation that would very likely stall indefinitely an annexation with modified boundaries.
- C. <u>The Council may deny circulation of the annexation petition</u>. Staff does not recommend this alternative because it is inconsistent with standing policy to support annexation in Redmond's Potential Annexation Area and contrary to Council's previous indication to St. George's that the City supports annexation of their property to Redmond.

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VII. LIST OF ATTACHMENTS

Attachment A: Proposed Motion to Authorize Circulation of Direct Petition		
Attachment B: Application for Annexation: Notice of Intent		
Attachment C: Zoning Map		
Attachment D : Direct Petition with Exhibit		
/s/	1/15/10	
Robert G. Odle, Planning Director	Date	
Approved for Council Agenda: /s/	1/25/10	

John Marchione, Mayor

Date

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ATTACHMENT A

PROPOSED MOTION

Move to accept the annexation proposed by the "Notice of Intent to Petition for Annexation", **St. George's Coptic Orthodox Church Annexation**, filed with the City on January 4, 2010 under **L100002**, and to authorize the Direct Petition for circulation. The Direct Petition must indicate that territory within the annexation contemplated shall be subject to the following conditions:

- 1. All property within the proposed annexation area shall be assessed and taxed at the same rate and on the same basis as the property of the City of Redmond is assessed and taxed to pay for the portion of any then outstanding indebtedness of the City of Redmond, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation.
- 2. All property within the proposed annexation area shall be subject to the Redmond Community Development Guide and the subsequent proceeding pursuant thereto, notwithstanding any vested rights to develop according to King County codes and regulations. The petitioner(s) shall waive any such vested rights.
- 3. The property proposed for annexation will be zoned as provided in the City of Redmond Comprehensive Plan and zoning ordinance, with the property being zoned Residential Innovative (four to five dwelling units per gross acre).
- 4. The property proposed for annexation shall be subject to any interlocal agreement between the City of Redmond and the City of Kirkland regarding the coordination of sewer service to properties adjacent to NE 132nd Avenue NE.

ATTACHMENT B



GENERAL APPLICATION FORM

City of Redmond Department of Planning and Community

Development

TION FORM
Dev # 10000 2

Inning and Community
File # L 10000 2

15670 NE 85th Street, P.O. Box 97010, Redmond, WA 98073-9710

This form must be completed (clearly printed or typed) to file an application. Additional materials are required for specific types of applications. For questions, contact the Development Services Center at (425) 556-2473. All applications must be filed in person.				
FOR STAFF USE ONLY				
Type of Review Process (circle eye): 1 II III IV VI	Permit Type:	ROJECT INFORMATIO	PIC MCCONA BORY 01-04-10	
Project / Development Name: St. George's	Coptic Orthodox Church Anne	xation	N	
Project / Development Street Location: 132	16 NE 100th Street, Kirkland V	VA 98033		
Assessor Parcel Number (include 10-digit p	arcel number for all parcels wi	thin project boundaries);		
1246700177				
Land Area of Project Site (sq. ft. or acres): 1	6 acres	Zoning: RIN-P		
Brief Project Description:	DITIONAL PROJECT INFO	DRMATION (complete all	applicable information)	
Amexation of 1.6 acres				
Type of Proposed Use n/a				
For Multi-Use Projects, Show Amounts for I		D)(())		
Number of Existing Dwelling Units: n/a	. Office	. ☐ Manufacturing Number of Propos	, Other ed Residential Dwelling Units: n/a	
Existing Building Sq. Ft. (non-residential):n	/a		; Sq. Ft. (non-residential) n/a	
Number of Existing Lots: n/a	· · · · · · · · · · · · · · · · · · ·	Number of Propos	·	
Will any buildings be demolished:	yes. If yes, size in sq. fee	t_n/a; or number	of dwelling units	
Name (please print): Fr. Angelos Sarkis	APPL	ICANT/DEVELOPER		
			Phone # 425-269-8373	
Street Address 9205 NE 155th		City Bothell	State WA Zip 45011	
(By my signature, I certify that the information and act on the behalf of the signatories of the	on and exhibits herewith submi	tted are true and correct to	the best of my knowledge and that I am to file this application	
Signature: Fr. Judelos	Charles (Editor Velow.)	Date:	12/25/09	
T.T.				
E-mail Address				
Name (please print): see above	act regarding this appreadon	il other than applicant, and	to whom all notices and reports shall be sent) Phone #	
Street Address		City		
(By my signature I certify that the information		-	State Zip	
and act on the behalf of the signatories of the	authorization below.)**	ted are true and correct to t	he best of my knowledge and that I am to file this application	
Signature:		Date:		
E-mail Address:				
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** Documentation demonstrating authorization to sign development applications on behalf of the Applicant/Developer is required.

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Rev. 7/30/08

File No.	

NOTICE OF INTENT TO COMMENCE ANNEXATION PROCEEDINGS

ANNEXATION NAME St. George's Coptic Orthodox Church Annexation

Total Area (size in acres) 1.6

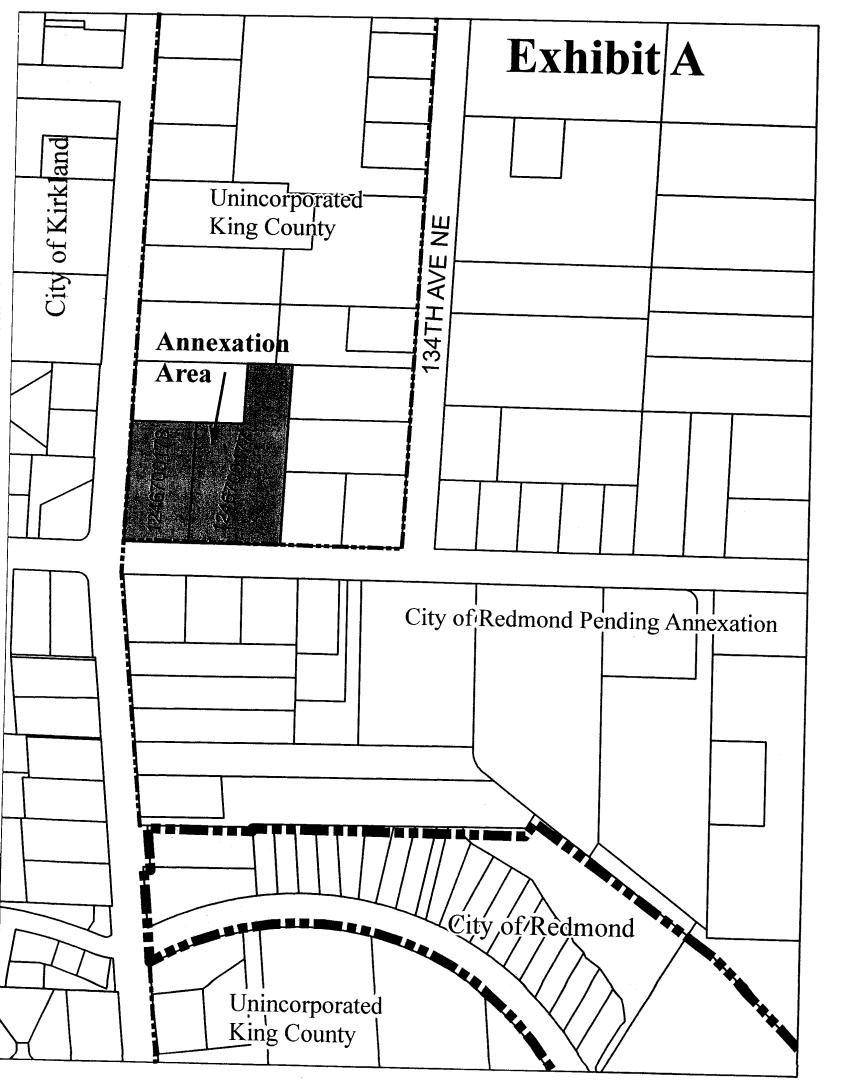
I/We, the undersigned, being the owners of the real property shown on Exhibit "A" attached hereto, lying contiguous to the City of Redmond, Washington, the do hereby petition that such territory be annexed to and made a part of the City of Redmond.

WHEREFORE, the undersigned respectively petition the Honorable Mayor and City Council and ask that appropriate actions be taken to authorize circulation of the "Direct Petition."

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

1.	NAME (Print) St. George (ADDRESS 13216 NE	Coptic	Orthon SIGN	dox СЬИ ATURE	with fry) nge/os
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	ADDRESS				-	
	Tax Lot Number (if known)					
3.	NAME (Print)	-	SIGNA	ATURE		
	ADDRESS					
	Tax Lot Number (if known)					
4.	NAME (Print)		SIGNA	ATURE		
	ADDRESS					
	Tax Lot Number (if known)			DATE		
5 .	NAME (Print)		SIGNA	TURE		
	ADDRESS					
	Tax Lot Number (if known)					

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Please PRINT or TYPE in black ink

- Sign, date and return drighted AND ONE COPY to:

CORPORATIONS DIVISION 801 CAPITOL WAY SOUTH - PO BOX 40234 OLYMPIA, WA 98504-0234

· BE GURE TO INCLUDE FILING FEE. Checks should be made payable to "Secretary of State"

ARTICLES OF AMENDMENT WASHINGTON NONPROFIT CORPORATION (Per Chapter 24 03 RCm)

FEE: \$20

EXPEDITED 124-HOURI SERVICE AVAILABLE + \$28 PER ENTITY INCLUDE FEE AND MINITE "EXPEDITE" IN BOLD LETTERS ON OUTSIDE OF ENVELOPE

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IMPORTANTI Person is cantact about this same

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212-822-3255 AMENDMENT TO ARTICLES OF INCORPORATION

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602127431 EFFECTIVE DATE	CORPORATION NUMBER (# LIDING)	AMENDMENTS TO ARTICLES OF INCORPORATION WERE ADOPTED OF
OF ARTICLES OF AMENDMENT	Specific Osls: CLES OF AMENDMENT (Please check ONE of	AFTER receipt at the document by the Secretary of State) C Upon Ming by the Secretary of State
The amount		or the laterals)
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AMENDMENTS TO THE ARTICLES OF INCORPORATION ARE AG FOLLOWS M necessary, attacts additional amendments or information.

The Articles of Incorporation are amended in their entirety and replaced by the "Amended Articles of Incorporation" attached hereto.

SIGNATURE OF OFFICER	
This ducument is hereby executed under ponsities of perjur	
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PIPE ASSOCIATES

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Archdiocese of North America بطريركية الاقباط الاراودكس مقر الرئاسة الكسية بشرق أمريكا

6 Woodstonk (F.) P.O. Box 608 Cedar Grayer, F. Lengton (A) & Telt (201) 867-(17-5) Fax: (201) 867-(17-5)

THE COPTIC ORTHODOX CHURCH

1983 OP'S CHURCH AUTHORIZATION AND CONSENT

The Arrangement of North America of the Coptic Orthodox Church, hereby authorizes and consecut that it. Games Coptic Orthodox Church (Kirkland, Washington) a church of the Arender of the Broke of the Arender of the Arender of the St. Games Copie Orthodox Church will borrow the sum of \$1,125,000 from Prime Pacific Broke of the Arender of the Arender of the St. Lynwood, Washington 98036. The security in favor of Prime Facility of the Arender of the August, 2007.

Shanes of the Coptic Orthodox Charach is the shallowing: to execute, acknowledge and deliver documents, including instruction of the active shallowing: to execute, acknowledge and deliver documents, including instruction of the control of the coptic Orthodox disclosure active shall be nature whatsoever in connection with the loan and any other documents or documents of the cost of the co

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To Angerlas Sarkie Colos Arved Sartie Passons

President/Trustee Secretary/Trustee Treasurer/Trustee FIRE RESOCIATES

2128223292

P.03/07

and deligrated is the assignated officers/mistres are made with the full authority and consent of the Capital Straight and Throat.

HIS HOLINESS POPE SHENOUDA, III
The Pope of Alexandria and the Patriarch of the
See of St. Mark and Archbishop of the Archdiocese
of North America of the Coptic Orthodox Church

By. SEA (SEA

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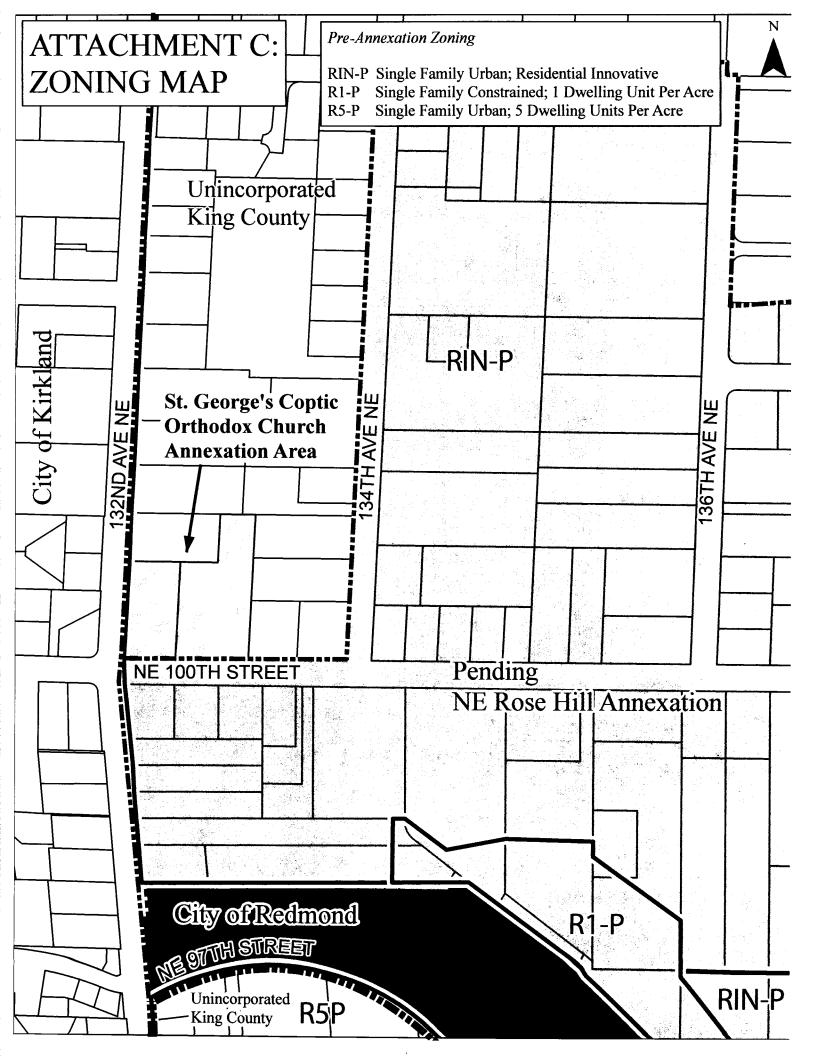
CONNECT AND WITHOUT

afcresal and a Mark 1982. To CERCEFY that Maged F. Riad, Attorney in Fact for His Holiness Pope Shannan and the Patriarch of the Sec of St. Mark and Archbishop of the Access a gase of hoods are crice of the Coptic Orthodox Church, personally appeared before the costs of the cos

and seel this 21st day of August, 2007.

Notary Public

KATHLEEN GALLO
Hotary Public, State of New York
No. 30-4880321
Cualified in Nassau County
Commission Expires \$-31-10



ATTACHMENT D

Direct Petition for St. George's Coptic Orthodox Church Annexation

I/We, the undersigned, being the owners of the real property lying contiguous to the City of Redmond, Washington herein depicted on **Exhibit A** and legally described in **Exhibit B**, do hereby petition that such territory be annexed to and made a part of the City of Redmond.

I/We understand that this petition must be signed by the owners of not less than sixty (60) percent in value, according to the assessed valuation for general taxation purposes, of the property described in **Exhibit B** in order for that property to be annexed.

I/We understand and agree to accept our proportionate share of the City of Redmond's outstanding indebtedness.

I/We also understand and agree that the property proposed for annexation will be zoned as provided in the City of Redmond Comprehensive Plan and zoning ordinance, with the property being zoned Residential Innovative (four to five dwelling units per gross acre).

I/We also understand that I/We may have vested rights to have my/our development application(s) considered and processed under the King County development regulations in effect at the time the application(s) were filed. With full knowledge and understanding of those rights, I/We hereby waive any and all such rights and understand and agree that the property proposed for annexation shall be subject to the Redmond Community Development Guide and the subsequent proceeding pursuant thereto.

I/We also understand and agree that the property proposed for annexation shall be subject to any interlocal agreement between the City of Redmond and the City of Kirkland regarding the coordination of sewer service to properties adjacent to NE 132nd Avenue NE.

<u>WARNING</u>: Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or signs this petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

1.	NAME (Print)	_SIGNATURE	
	ADDRESS	D	ATE
	Tax Lot Number (if known)		-
2.	NAME (Print)	_SIGNATURE	
	ADDRESS	D	ATE
	Tax Lot Number (if known)		

IMPORTANT: Keep attached to Exhibits A and B.

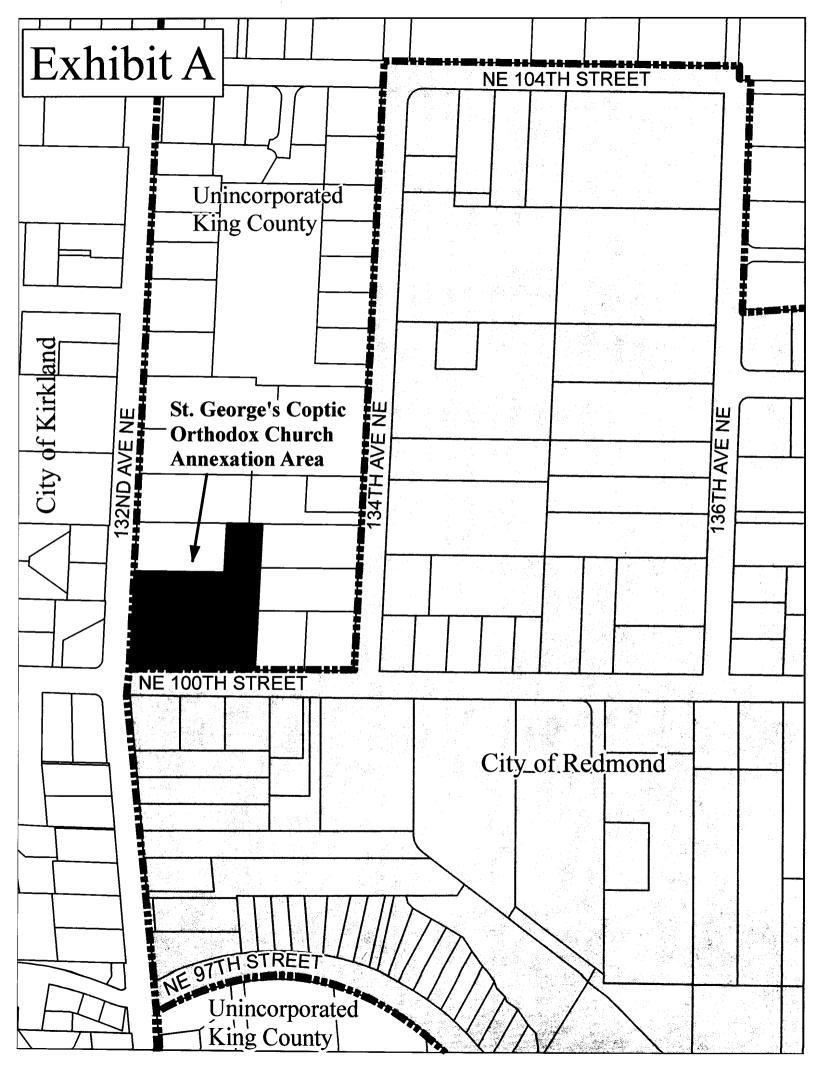


EXHIBIT B

ST. GEORGE'S COPTIC ORTHODOX CHURCH ANNEXATION

LEGAL DESCRIPTION

A portion of the S.W. ¼ of the S.W. ¼ of Section 34, T.26N., R.5E., W.M. King County, Washington

The east 50 feet of the west half of the south half of Tract 5, Block 158, Burke and Farrar's Kirkland Addition to the City of Seattle Division No. 31, according to the plat thereof, recorded in Volume 25 of Plats, Page 26, in King County, Washington:

And that portion of the east half of the south half of said Tract 5 and the portion of Tract 6 of said Block 158, lying west of the following line:

Beginning at a point on the south line of said Tract 6 which is 280 feet east from the southwest corner of Tract 6; thence north 01°38'12" east to the north line of the south half of said Tract 5, parallel with the west margin thereof.