

## **AM No. 10-107**

**MEMO TO:** City Council

**FROM:** John Marchione, Mayor

**DATE:** May 18, 2010

**SUBJECT: PUBLIC HEARING AND ORDINANCE: ST. GEORGE'S COPTIC  
ORTHODOX CHURCH ANNEXATION, L100002**

### **I. RECOMMENDED ACTION**

Following the public hearing, adopt the attached ordinance (Attachment A) approving the St. George's Coptic Orthodox Church Annexation, File No. L100002.

### **II. DEPARTMENT CONTACT PERSONS**

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

### **III. DESCRIPTION/BACKGROUND**

The proposed St. George's Coptic Orthodox Church annexation is 1.6 acres of unincorporated King County bounded on the west by 132nd Avenue NE and on the south by NE 100th Street, which are the city limits of Kirkland and Redmond, respectively. The proposed annexation is located within Redmond's Potential Annexation Area and within the boundaries of the NE Rose Hill subarea of the Willows/Rose Hill neighborhood as identified in Redmond's Comprehensive Plan.

On November 17, 2009, the City Council considered a request filed by the St. George's Coptic Orthodox Church for sewer service outside City limits. Representatives for St. George had applied for a conditional use permit (CUP) from King County to build a church on the property. King County staff informed the church representatives that they would not issue a CUP without a sanitary sewer availability letter from Redmond. The City Council denied the request for the sewer connection, consistent with the City's long-standing policy of allowing sewer connections only to property within the city limits of Redmond. Redmond Council members expressed support for St. George's joining the City of Redmond through annexation.

St. George's Coptic Orthodox Church filed the notice of intent to annex petition with the City of Redmond on January 4, 2010. At the City Council's February 2, 2010, meeting the Council considered the notice of intent and authorized circulation of the direct

petition for the St. George's Coptic Orthodox Church annexation. The direct petition included four conditions.

The first two conditions made it clear that the signer of the petition accepts their proportionate share of Redmond's outstanding indebtedness and that the property proposed for annexation will be zoned as provided in City of Redmond Comprehensive Plan and zoning ordinance.

The third and fourth conditions, respectively, stated that the signer accepts and understands that the property shall be subject only to the Redmond Community Development Guide, waiving any and all vested development rights under King County regulations and that the property shall be subject to any interlocal agreement between Redmond and Kirkland regarding the coordination of sewer service to properties adjacent to NE 132nd Avenue NE. These conditions prepare for separate decisions regarding development of the property under Redmond's regulations and for any interlocal agreement with the City of Kirkland that may follow Council's decision on the St. George's Coptic Orthodox Church Annexation.

Following Council's adoption of the NE Rose Hill annexation, which became effective on March 13, 2010, the authorized signer for the Church signed and returned the direct petition to Redmond on March 15, 2010. The Assessor certified the direct petition on March 24, 2010. Redmond then notified the Washington State Boundary Review Board for King County (BRB) of the City's intention to annex the area.

The land proposed for annexation is 1.6 acres and \$593,000 in assessed valuation and therefore meets the criteria regarding when review of the BRB may be waived according to the Revised Code of Washington (RCW) 36.93.110. At Redmond's request, the BRB waived further review of the annexation. On April 14, 2010, the BRB deemed the proposed annexation approved.

Redmond has worked to annex all of the land in the Potential Annexation Area within NE Rose Hill for more than a decade, employing various methods. The successful NE Rose Hill annexation was the first action in a phased approach to ultimately annex all of the unincorporated island of NE Rose Hill. The St. George's annexation is the second phase of this approach. Redmond anticipates that other property owners may bring one or more additional notice of intent petitions for portions of NE Rose Hill remaining in unincorporated King County.

This approach is reasonable because Redmond has planned for the land use and infrastructure for the area. Redmond conducted the neighborhood planning for

Willows/Rose Hill with extensive involvement of residents and property owners of NE Rose Hill. This means that the annexation and any subsequent development will happen according to a rational plan that was prepared in advance of any future annexation.

#### IV. ANALYSIS

##### A. Facts/Conclusions Regarding the Proposed Annexation

1. Size and location of Annexation Area: The proposed St. George's Coptic Orthodox Church annexation is 1.6 acres of unincorporated King County bounded on the west by 132nd Avenue NE and on the south by NE 100th Street, which are the city limits of Kirkland and Redmond, respectively. The proposed annexation is located within Redmond's Potential Annexation Area and within the boundaries of the NE Rose Hill portion of the Willows/Rose Hill neighborhood as identified in Redmond's Comprehensive Plan.
2. Population: There are no people living in the annexation area.
3. Zoning and Land Use Designation: The current King County land use designation is Urban Residential Medium (four to 12 dwellings per acre) with zoning of R-4. Presently there is one vacant, single-family dwelling on one of the two parcels of the annexation area.

Redmond's Comprehensive Plan land use designation is Single-Family Urban (four to eight dwellings per acre). The property has pre-annexation zoning of Residential Innovative (four to five dwelling units per gross acre). The land use designation and zoning for the area would come into effect should annexation take place.

4. Neighborhood Planning: The annexation is within the NE Rose Hill subarea of the Willows/Rose Hill Neighborhood Plan. Property owners and residents in NE Rose Hill participated extensively in the update of the Willows/Rose Hill Neighborhood Plan that City Council adopted in 2002.
5. Utility Issues: The area is currently served by City of Redmond water. The City Water Plan includes this area. 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.

6. Roadway Maintenance and Standards: No roads are within the boundaries of the annexation.
7. Public Safety: Redmond Police will serve the area. Redmond Fire will continue to provide service. It currently does so under contract with King County Fire District No. 34; it will provide service directly upon annexation.
8. Parks: The proposed annexation area is located approximately 2.6 miles from Redmond's Grass Lawn Community Park and about 1.8 miles from Redmond's Willows Creek Neighborhood Park. The established access to Redmond's entire trail system is located about one mile away in the development immediately to the south of NE Rose Hill.
9. Assumption of Outstanding Indebtedness: The petition called for the assumption of bonded indebtedness.

#### **B. 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.

*The proposal is supported by the property owner. There are no residents living in the 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 property owner has requested sanitary sewer from the City of Redmond and has been informed that annexation is a prerequisite to receiving sanitary sewer services.*

A-12 Focus annexation efforts south of NE 124<sup>th</sup> St/NE 128<sup>th</sup> St. 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.

*This annexation lies south of NE 124<sup>th</sup> Street. Pre-annexation zoning is in place and is consistent with Redmond's Comprehensive Plan. Application fees were waived.*

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

*This condition is on the petition for annexation, though the Church has tax-exempt status.*

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 on the west by 132<sup>nd</sup> Avenue NE and on the south by NE 100<sup>th</sup> Street, which are the city limits of Kirkland and Redmond, respectively.*

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

*This annexation reduces the size of an existing island of unincorporated King County. It is a part of a pragmatic, phased approach to the eventual annexation of all of Redmond's Potential Annexation Area east of 132<sup>nd</sup> Avenue NE and north of NE 100<sup>th</sup> Street.*

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.

*Right-of-ways were reviewed prior to determining the boundary of this annexation. The proposal will end at the eastern edge of 132<sup>nd</sup> Avenue NE; having no effect on the right-of-way of 132<sup>nd</sup> Avenue NE which belongs to the City of Kirkland. The other right of way of NE 100<sup>th</sup> Street already lies within the city limits of Redmond.*

## V. IMPACT

### A. Service Delivery:

The annexation area is located within the Redmond Water Service Area. The City of Redmond is currently serving the area with water and this would not change. This service agreement is due to the absorption of the Rose Hill Water District by the Cities of Bellevue, Kirkland and Redmond. The Redmond Water Plan includes this area for purposes of utility planning and there is sufficient capacity to serve this area.

The annexation area is located within Redmond's Sewer Service Area. The General Sewer Plan has already planned for the preliminary placement and sizing of lines to this area. There is sufficient capacity. The General Sewer Plan calls for lines to be primarily gravity fed.

The annexation area is within the service area for the Redmond Fire Department and this would not change; the only difference is that the area would change from contract service to direct service. The Redmond Fire Department provides a full range of fire suppression, emergency medical response services, and emergency preparedness. Redmond has automatic aid agreements with surrounding fire departments; the closest available unit will respond regardless of department boundary. Fire Station No. 11 (Downtown Redmond) and Station No. 12 (148th Avenue NE) are the nearest Redmond stations.

**B. Fiscal:**

City Revenue: The property tax revenue increase is estimated to be zero, because the property is tax exempt, being owned by a church. Redmond would receive revenues from utility taxes of six percent on electric, gas, telephone and refuse disposal and five percent on cable TV.

City Expenditures: The incremental change is not expected to necessitate any change to the City budget. The inclusion of the proposed annexation area within the jurisdiction of the Redmond Police Department will not necessitate changes in Police budget or staffing. Redmond would not gain any roadway with the annexation. The area would remain within the Redmond Fire Department service area upon annexation. The change would be to direct service from service provided via contract with King County Fire District No. 34. No change in the Fire budget would be necessary.

**VI. ALTERNATIVES**

**A. Approve the NE Rose Hill Annexation.** Staff recommends this decision. The proposed annexation is fully consistent with the City's annexation policies. It is also consistent with the Countywide Planning Policies for King County and the King County Comprehensive Plan. The sole property owner, St. George Coptic Orthodox Church, has signed the direct petition requesting annexation to Redmond.

**B. Delay or deny the NE Rose Hill Annexation.** Staff does not recommend this alternative. It is inconsistent with the City's policies and the wishes of the property owners of the proposed annexation area.

**VII. LIST OF ATTACHMENTS**

**Attachment A:** Ordinance annexing the area identified as the St. George's Coptic Orthodox Church Annexation

**Exhibit 1:** Legal Description

**Exhibit 2:** Map of Annexation Area

/s/ \_\_\_\_\_  
Robert G. Odle, Planning Director

5/10/2010 \_\_\_\_\_  
Date

Approved for Council Agenda: /s/ \_\_\_\_\_  
John Marchione, Mayor

5/10/2010 \_\_\_\_\_  
Date

# Attachment A

CITY OF REDMOND  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ANNEXING 1.6 ACRES OF UNINCORPORATED KING COUNTY BOUNDED ON THE WEST BY 132ND AVENUE NE AND ON THE SOUTH BY NE 100TH STREET, AND REQUIRING THE PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND ON THE SAME BASIS AS OTHER PROPERTY WITHIN THE CITY, File No. L100002

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WHEREAS, the island of unincorporated King County that lies between the City of Redmond and the City of Kirkland, generally located between 132<sup>nd</sup> AVE NE and the north-south line extended from 140<sup>th</sup> Ave NE and between NE 97<sup>th</sup> Street and NE 108<sup>th</sup> Street, is one of Redmond's Potential Annexation Areas as identified by King County Countywide Planning Policies; and

WHEREAS, the island of unincorporated King County described above lies within the NE Rose Hill subarea of Redmond's Willows/Rose Hill Neighborhood as identified in Redmond's Comprehensive Plan; and

WHEREAS, on January 4, 2010, the City of Redmond received a Notice of Intent requesting annexation of a 1.6 acre portion of the remaining island of unincorporated land described above; and

WHEREAS, the Notice of Intent was signed by owners of the property representing at least ten percent of the acreage of the area to be annexed; and

WHEREAS, On February 2, 2010, Redmond City Council approved a motion to accept the Notice of Intent to Annex and authorized the circulation of a direct petition to annex the

area hereafter referred to as the St. George's Coptic Orthodox Church Annexation; and

WHEREAS, the King County Assessor's Office certified the direct petition on March 24, 2010; and

WHEREAS, on March 26, 2010, Redmond staff provided Notice of Intention to annex the area legally described on the petition, the St. George's Coptic Orthodox Church Annexation, to the Washington State Boundary Review Board (BRB) for King County; and

WHEREAS, The land proposed for annexation is 1.6 acres and \$593,000 in assessed valuation and therefore meets the criteria regarding when review of the BRB may be waived according to the Revised Code of Washington (RCW) 36.93.110; and

WHEREAS, at Redmond's request, the BRB waived further review of the annexation on the basis that further review was not necessary for the protection of the public interest as provided for in RCW 36.93.100; and

WHEREAS, on April 14, 2010, the BRB deemed the action approved as proposed in the Notice of Intention filed by the City of Redmond based on the matters on record in the Notice of Intention (BRB File No. 2315); and

WHEREAS, it is the long-standing policy of the City of Redmond to support the annexation of land in its Potential Annexation Areas; and

WHEREAS, the City is committed to ultimately annexing all of NE Rose Hill; and

WHEREAS, annexing the property of the St. George's Coptic Orthodox Church Annexation advances City policy and responds to property owner requests; and

WHEREAS, Redmond City Council adopted the Willows/Rose Hill Neighborhood Plan and the zoning of the land therein in 2002 after significant property owner and resident participation in the development of the Plan and zoning; and

WHEREAS, the City Council held a public hearing on the proposed annexation on May 18, 2010, and at the conclusion of said hearing, determined that the property should be annexed, subject to defined conditions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1.      Annexation.      That certain 1.6 acres of unincorporated King County bounded on the west by 132nd Avenue NE and on the south by NE 100th Street, which are the city limits of Kirkland and Redmond, respectively, and depicted on the map attached hereto as Exhibit 2 and legally described on the attached Exhibit 1, both of which exhibits are incorporated herein by this reference as if set forth in full, is hereby annexed to and made a part of the City of Redmond.

Section 2.      Zoning.      Zoning for the St. George's Coptic Orthodox Church Annexation shall be set at RIN,

Residential Innovative, in conformance to the Comprehensive Plan and adopted pre-annexation zoning.

Section 3. Indebtedness. Pursuant to the terms of the annexation petition, all property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the city, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation.

Section 4. Waiver of Vested Development Rights. Pursuant to the terms of the annexation petition, the property owner waives any and all vested development rights under King County regulations and the property proposed for annexation shall be subject to the Redmond Community Development Guide and the subsequent proceeding pursuant thereto.

Section 5. Interlocal Agreement Coordinating Sewer Service to Properties Adjacent to 132<sup>nd</sup> Avenue NE. Pursuant to the terms of the annexation petition, all property within the territory 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.

Section 6. Duties of City Clerk. The City Clerk is hereby directed to file a certified copy of this ordinance, together with the attached Exhibits 1 and 2, with the King County Council. In addition, the Clerk is authorized and directed to file the annexation certificate provided for in

RCW 35A.14.700 with the Office of Financial Management within thirty (30) days of the effective date of the annexation.

Section 7.      Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the Redmond City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2010

CITY OF REDMOND

\_\_\_\_\_  
MAYOR JOHN MARCHIONE

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK MICHELLE M. MCGEHEE, CMC

(SEAL)

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: \_\_\_\_\_

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
SIGNED BY THE MAYOR:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. \_\_\_\_\_

# **EXHIBIT 1**

## **ST. GEORGE'S COPTIC ORTHODOX CHURCH ANNEXATION**

### **LEGAL DESCRIPTION**

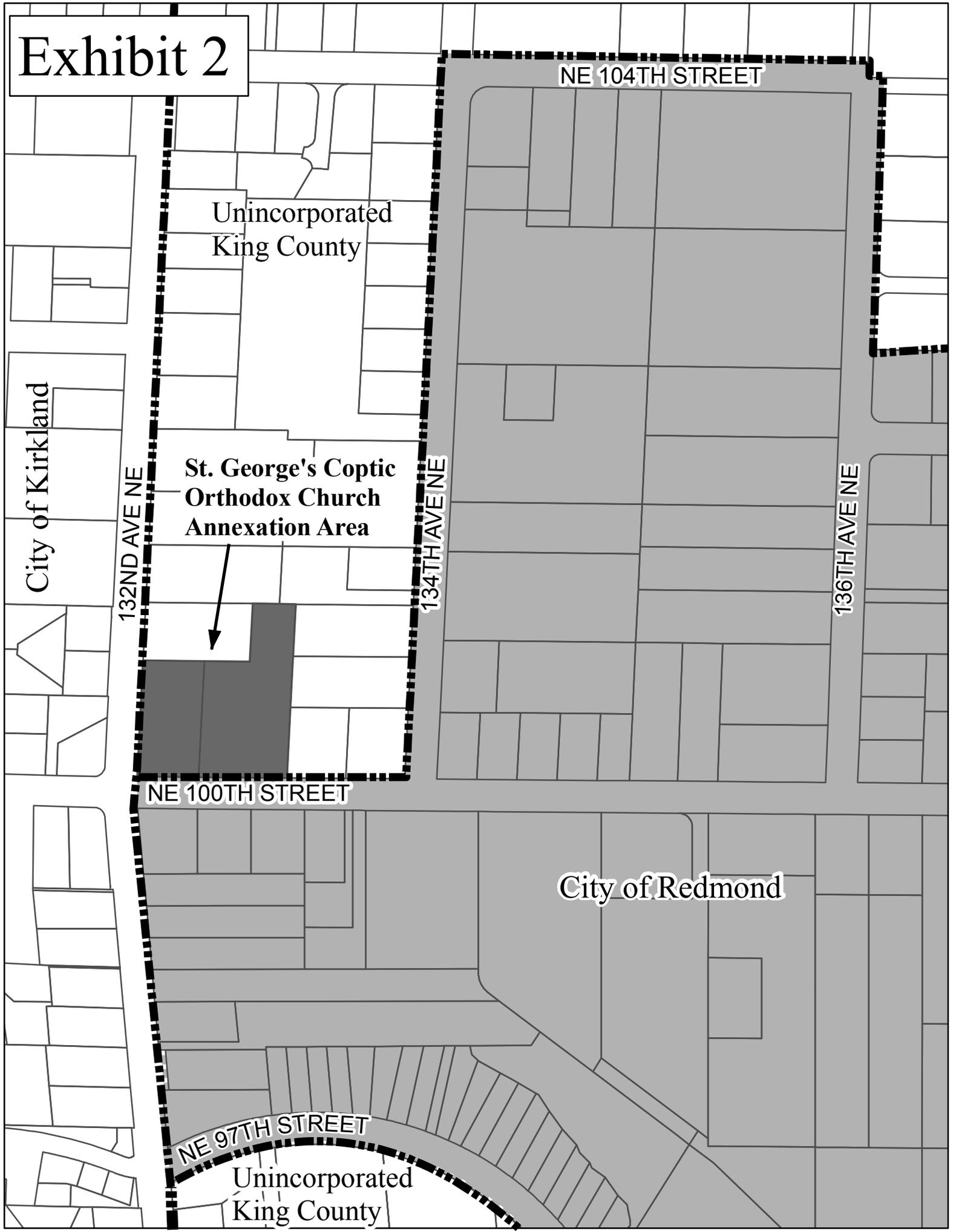
A portion of the S.W.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$  of Section 34, T.26N., R.5E., W.M.  
King County, Washington

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  $01^{\circ}38'12''$  east to the  
north line of the south half of said Tract 5, parallel with the west margin  
thereof.

# Exhibit 2



NE 104TH STREET

Unincorporated  
King County

City of Kirkland

**St. George's Coptic  
Orthodox Church  
Annexation Area**

132ND AVE NE

134TH AVE NE

136TH AVE NE

NE 100TH STREET

City of Redmond

NE 97TH STREET

Unincorporated  
King County