ORDINANCE NO. 2015-027

AN ORDINANCE concerning annexation; annexing two parcels of property located at 2210 S. 38th Ave, Yakima WA, to the City of Yakima by means of the municipal purpose annexation process; maintaining the current Light Industrial (M-1) and Suburban Residential (SR) zoning of the area; adopting zoning regulations for the annexation area; and establishing an effective date of October 18, 2015.

WHEREAS, Cleat City LLC, and Darlene Bohannon are the owners of real property consisting of approximately 118.71 acres (Parcel Numbers: 18133434001 & 18133433001) legally described in Exhibit A, which is immediately adjacent to and southeast of the existing City limits located at the intersection of S. 38th Ave., and the easterly extension of Occidental Rd.; and

WHEREAS, it is the intent of the property owners, and City of Yakima that this property, as described in Exhibit A, will be used for municipal purposes for the establishment of a park; and

WHEREAS, the above stated property owners have given their written consent for the annexation by signing City of Yakima Petition No. 15.02; and

WHEREAS, the Revised Code of Washington provides for the annexation of territory outside of its limits for any municipal purpose, by majority vote of the Council if the territory is owned by the City, or all of the owners of the real property in the territory give their written consent to the annexation (RCW 35.13.180); and

WHEREAS, the property described in Exhibit A to be annexed is within the City of Yakima's Urban Growth Area as established by Yakima County and included in the Comprehensive Plan of the City of Yakima; and

WHEREAS, the City of Yakima's Comprehensive Plan, adopted in December 12, 2006, established a land use map designation for this property as Industrial and Low Density Residential, along with pertinent goals and policies, to guide the development of the annexation area over the next twenty years; and

WHEREAS, the Light Industrial (M-1) and Suburban Residential (SR) zoning districts of the property described in Exhibit A are consistent with the City of Yakima's Comprehensive Land Use Plan designations as Industrial and Low Density Residential, which zoning is shown on the map attached hereto as Exhibit "C"; and

WHEREAS, although review of property being annexed for municipal purposes which is contiguous to a city is not necessarily subject to review by the Boundary Review Board pursuant to RCW 35.13.180, 35.22.570, 35.22.195 and RCW 36.93.090, the City of Yakima did not forgo the Boundary Review Board process and submitted a Washington State Boundary Review Board for Yakima County Notice of Intention to Commence Annexation application on July 16, 2015 (Yakima County File Number: BRB 2015-00003; City of Yakima Municipal Purpose Soccer Park Annexation); and

WHEREAS, On August 31, 2015, the 45-day Boundary Review Board review period for the Municipal Purpose Annexation lapsed; and

WHEREAS, RCW 35.13.280 requires the City to grant Yakima Waste Systems, Inc., as the current WUTC-authorized provider of garbage and refuse collection and disposal service within the annexation area, a franchise to continue such service to residential properties within the annexation area for a term of not less than seven years after annexation becomes effective. Such franchise does not apply to garbage and refuse generated by commercial establishments

because the City does not provide or contract for such service. The City understands that collection and disposal services to all commercial accounts within the City is now subject to and shall remain under the authority of the WUTC and that, pursuant to state law, Yakima Waste Systems, Inc., shall, under its WUTC authority, continue to provide garbage and refuse collection and disposal services to all commercial accounts within the City, including such accounts in the annexation area; and

WHEREAS, RCW 35.13.280 requires the City to provide specific notice to the WUTC regarding the City's intent, pursuant to RCW 81.77.020, and subject to the provisions of RCW 35.13.280, to provide residential refuse collection and disposal service to the annexation area; and

WHEREAS, pursuant to due and legal notice, the City Council held a public hearing on said annexation on September 15, 2015, and, as a result thereof, finds:

1. The annexation area described in Exhibit A should be annexed to the City of Yakima.

2. The subject property should retain its current zoning pursuant to the Yakima Urban Area Zoning Map and that such zoning and classification is in accord with the Yakima Urban Area Comprehensive Plan, the General Plan of the City of Yakima.

3. If applicable, the owners of the real property within the annexation area should be required to assume existing indebtedness of the City of Yakima.

4. The needs of the City and community do require the hereinafter set forth zoning classification, and the highest and best use for said property is as hereinafter determined.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YAKIMA, WASHINGTON:

Section 1. The property legally described in Exhibit "A", and identified on the map attached hereto as Exhibit "B", with zoning designations as shown on Exhibit "C," is hereby annexed to the City of Yakima, Washington.

Section 2. The annexation area is hereby zoned as it is currently zoned and depicted on the official zoning map for the unincorporated portion of the Yakima Urban Area which map is maintained in the Yakima County Planning Department and which map is incorporated herein by reference.

Section 3. If applicable, the owners of the real property within the annexation area shall be required to assume existing indebtedness of the City of Yakima.

Section 4. The next regularly amended Zoning District Map prepared by and for the City of Yakima shall show the annexation area zoned and classified without change of zoning district but within the jurisdiction of the City of Yakima.

Section 5. The City Clerk is hereby authorized and directed to file a certified copy of this ordinance with the County Auditor of Yakima County and with the Board of County Commissioners of Yakima County, Washington, and to transmit a certified copy of this ordinance to the Washington Utilities and Transportation Commission to notify it of the City's intent, pursuant to § 81.77.020 RCW, and subject to the provisions of § 35.13.280 RCW, to provide residential refuse collection and disposal service to the annexation area.

Section 6. The City Clerk is hereby authorized and directed to provide, as required by RCW 35.13.270, notification by certified mail that includes a list of the Assessor's Tax Parcel

numbers of all properties within the annexation, to the Yakima County Treasurer and Assessor at least thirty days before the effective date of the annexation.

Section 7. There is hereby granted to Yakima Waste Systems, Inc., in accordance with and for the term provided by RCW 35.13.280, an exclusive franchise to provide garbage and refuse collection and disposal service to residential properties within the annexation area, in accordance with the specific terms of Ordinance Nos. 3220 and 3445 of the City of Yakima and in accordance with the terms of the Franchise Agreement attached to Ordinance No. 3220 (amended by Ordinance No 3445) of the City of Yakima. Such franchise does not apply to garbage and refuse generated by commercial establishments because the City does not provide or contract for such service. The City understands that collection and disposal services to all commercial accounts within the City is now subject to and shall remain under the authority of the WUTC and that, pursuant to state law, Yakima Waste Systems, Inc., shall, under its WUTC authority, continue to provide garbage and refuse collection and disposal services to all commercial accounts within the City, including such accounts in the Sullivan Rowell Annexation area.

Section 8. This ordinance shall be in full force and effect thirty days after its passage, approval and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL at a regular meeting and signed and approved this 15th day of September, 2015.

Micah Cawley, Mayor

ATTEST:

City Clerk

Publication Date: September 18, 2015

Effective Date: October 18, 2015

Section 6 above is accepted by Franchisee this 16th day of September, 2015.

Yakima Waste Systems, Inc.

By:
Signer's Name Printed: Keith Kovalenko
Signer's Title: District Manager

EXHIBIT "A"

LEGAL DESCRIPTION FOR THE
MUNICIPAL PURPOSE ANNEXATION

THE SOUTH HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, EXCEPT THE EAST 20 FEET THEREOF FOR COUNTY ROAD, SECTION 34, TOWNSHIP 13 NORTH, RANGE 18 EAST W.M., SITUATED IN THE COUNTY OF YAKIMA, STATE OF WASHINGTON.

YAKIMA COUNTY PUBLIC WORKS DEPARTMENT

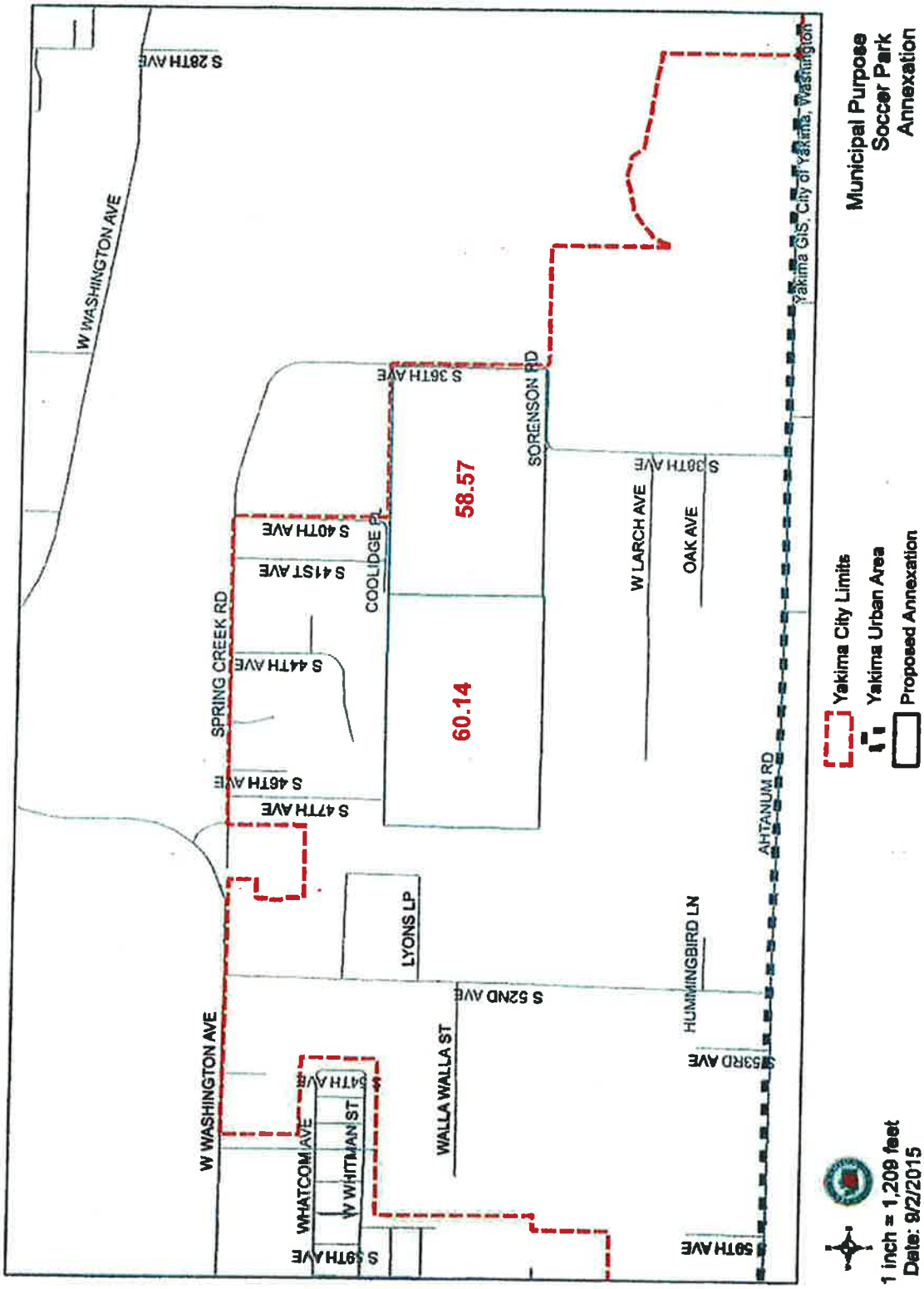
CHECKED FOR ACCURACY OF

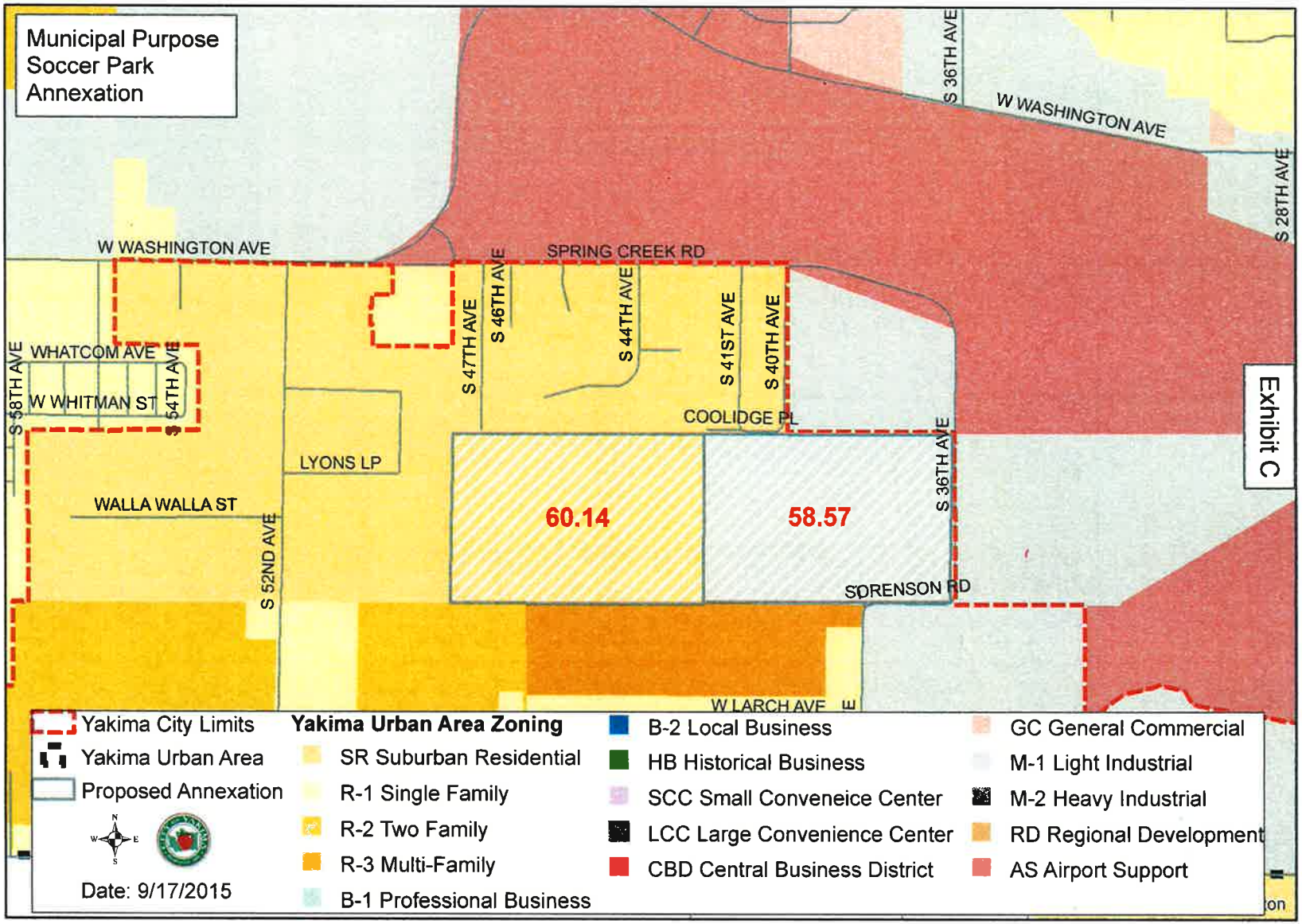
LEGAL DESCRIPTION ONLY:

KENT L. MCHENRY, P.E.

YAKIMA COUNTY PUBLIC WORKS

Exhibit B


Municipal Purpose
Soccer Park
Annexation
Yakima City Limits
Yakima Urban Area
Proposed Annexation
1 inch = 1,209 feet
Date: 9/2/2015
Yakima GIS, City of Yakima, Washington
S 28TH AVE
W WASHINGTON AVE
S 36TH AVE
SORENSON RD
S 38TH AVE
58.57
60.14
S 40TH AVE
S 41ST AVE
COOLIDGE PL
W LARCH AVE
OAK AVE
SPRING CREEK RD
S 44TH AVE
S 46TH AVE
S 47TH AVE
AHTANUM RD
LYONS LP
HUMMINGBIRD LN
S 52ND AVE
WALLA WALLA ST
S 53RD AVE
W WASHINGTON AVE
S 54TH AVE
WHATCOM AVE
W WHITMAN ST
S 59TH AVE
S 60TH AVE


Municipal Purpose
Soccer Park
Annexation
W WASHINGTON AVE
SPRING CREEK RD
S 36TH AVE
S 28TH AVE
S 47TH AVE
S 46TH AVE
S 44TH AVE
S 41ST AVE
S 40TH AVE
WHATCOM AVE
W WHITMAN ST
S 58TH AVE
S 54TH AVE
COOLIDGE PL
LYONS LP
WALLA WALLA ST
S 52ND AVE
60.14
58.57
SORENSON RD
W LARCH AVE
Exhibit C
Yakima City Limits
Yakima Urban Area
Proposed Annexation
Date: 9/17/2015
Yakima Urban Area Zoning
SR Suburban Residential
R-1 Single Family
R-2 Two Family
R-3 Multi-Family
B-1 Professional Business
B-2 Local Business
HB Historical Business
SCC Small Conveneice Center
LCC Large Convenience Center
CBD Central Business District
GC General Commercial
M-1 Light Industrial
M-2 Heavy Industrial
RD Regional Development
AS Airport Support