

## ORDINANCE NO. 2019-014

**AN ORDINANCE** annexing the 96<sup>th</sup> and Tieton Annexation area to the City of Yakima, contingent on Yakima County Boundary Review Board approval.

**WHEREAS**, on December 18, 2018, the owners of not less than ten percent (10%) of the acreage in property within the proposed 96<sup>th</sup> and Tieton Annexation submitted a Notice of Intent to Commence Annexation, pursuant to the alternative direct petition method form of annexation found in RCW 35.13.410 through RCW 35.13.460; and

**WHEREAS**, on February 19, 2019, the City Council, at an open public meeting, accepted the Notice of Intent to Commence Annexation as presented, including the information that the current zoning of the property is consistent with the City's comprehensive plan, that the properties will be taxed at the same rate and on the same basis as other parcels in the City, and that the properties would be subject to any outstanding indebtedness to the City, and directed staff to draft the petition and collect signatures from property owners; and

**WHEREAS**, following acceptance of the Notice of Intent, Petition number 19-01, was drafted and circulated for signature; and

**WHEREAS**, the proponents presented the City with petitions, consistent with RCW 35.13.420(3), reflecting the signatures of parties who own a majority of the acreage in the proposed 96<sup>th</sup> and Tieton Annexation area, and on May 13, 2019 the Yakima County Assessor issued a Determination of Sufficiency which identifies that the owners of a majority of the assessed value of the property signed the petition, consistent with RCW 35.13.420 and 35.21.005; and

**WHEREAS**, the 96<sup>th</sup> and Tieton Annexation area is approximately 9.7 acres of unincorporated Yakima County, contiguous to and generally located North of Tieton Drive and West of South 96<sup>th</sup> Avenue, including adjacent rights-of-way; and

**WHEREAS**, the assessed value of the annexation area is approximately \$1,044,300 which is expected to generate approximately \$2,938 in property tax revenue to the City of Yakima. In addition, expected development in the area will be processed by the City of Yakima, which will generate permit connection fee revenue along with increased property tax revenues as development occurs; and

**WHEREAS**, garbage and refuse collection within the 96<sup>th</sup> and Tieton Annexation area is presently capable of being served by Yakima Waste Systems, Inc., under authority issued by the Washington Utilities and Transportation Commission (WUTC) to both residential and commercial accounts and the City desires to provide such services to residential accounts only in accordance with RCW 35.13.280; 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 96<sup>th</sup> and Tieton Annexation area, a franchise to continue such service to residential properties within the 96<sup>th</sup> and Tieton 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.

**WHEREAS**, pursuant to due and legal notice, the City Council held a public hearing on said annexation on July 2, 2019 and;

**WHEREAS**, the City Council has been fully advised and finds that all statutory requirements have been satisfied in order and accomplish the proposed annexation, and that it is in the best interest of the City and its residents to annex said property; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF YAKIMA:**

**Section 1. Findings**

1. The annexation petition requirements of RCW 35.13.420 have been satisfied by annexation petitions signed by the owners of a majority of the acreage of the 96th and Tieton Annexation area.
2. The 96th and Tieton Annexation should be annexed to the City of Yakima.
3. The 96<sup>th</sup> and Tieton Annexation property shall be assessed and taxed at the same rate and basis as other property within the City of Yakima to pay for all or of any portion of the outstanding indebtedness of the City as incurred before, or existing at, the date of the annexation.
4. The 96th and Tieton Annexation area's Comprehensive Plan Designations of Mixed Residential and Commercial Mixed Use shall be in effect.
5. The City of Yakima shall file a completed Notice of Intention to the Yakima County Boundary Review Board.

**Section 2.** The real property identified on the map attached hereto as Exhibit "A" and legally described in Exhibit "B" attached hereto and incorporated by reference herein, referred to as the "96th and Tieton Annexation," is hereby annexed into the City of Yakima, Washington, pending approval of the Yakima County Boundary Review Board of the proposed annexation as presented to it.

**Section 3.** The 96th and Tieton Annexation area's Comprehensive Plan designation shall be Mixed Residential and Commercial Mixed Use, and the zoning shall be Two-Family Residential (R-2) Multi-Family Residential (R-3) and Local Business (B-2), as outlined in Exhibit "C."

**Section 4.** The next regularly amended Zoning District Map prepared by the City of Yakima shall show the 96th and Tieton Annexation area zoned and classified as set forth in Section 3 above.

**Section 5.** The City Clerk is hereby authorized and directed to file, pending approval of the Yakima County Boundary Review Board to the proposal as specifically outlined herein, a certified copy of this ordinance with the Yakima County Auditor 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 to annex and to provide residential refuse collection and disposal service to the 96th and Tieton Annexation area.

**Section 6.** As required by RCW 35.13.270, the City Clerk is hereby authorized and directed to provide, pending approval of the Yakima County Boundary Review Board, notification by certified mail that includes a list of the Assessor's tax parcel numbers of all

properties within the 96th and Tieton Annexation area to the Yakima County Treasurer and Assessor at least sixty 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 in the 96th and Tieton Annexation area for a record of seven years from the effective date of the annexation. Such franchise does not apply to garbage and refuse generated by commercial establishments.

**Section 8.** This ordinance shall be in full force and effect 60 days after consideration and approval of the Yakima County Boundary Review Board, and publication as provided by law and by the City Charter.

**PASSED BY THE CITY COUNCIL**, signed and approved this 2<sup>nd</sup> day of July, 2019.

ATTEST: /s/ Kathy Coffey  
Kathy Coffey, Mayor

/s/ Sonya Claar Tee  
Sonya Claar Tee, City Clerk

Publication Date: July 5, 2019 and September 27, 2019

Effective Date: November 26, 2019

Section 7 above is accepted by Franchisee this 12<sup>th</sup> day of July, 2019.

Yakima Waste Systems, Inc.

By: /s/ Keith Kovalenko

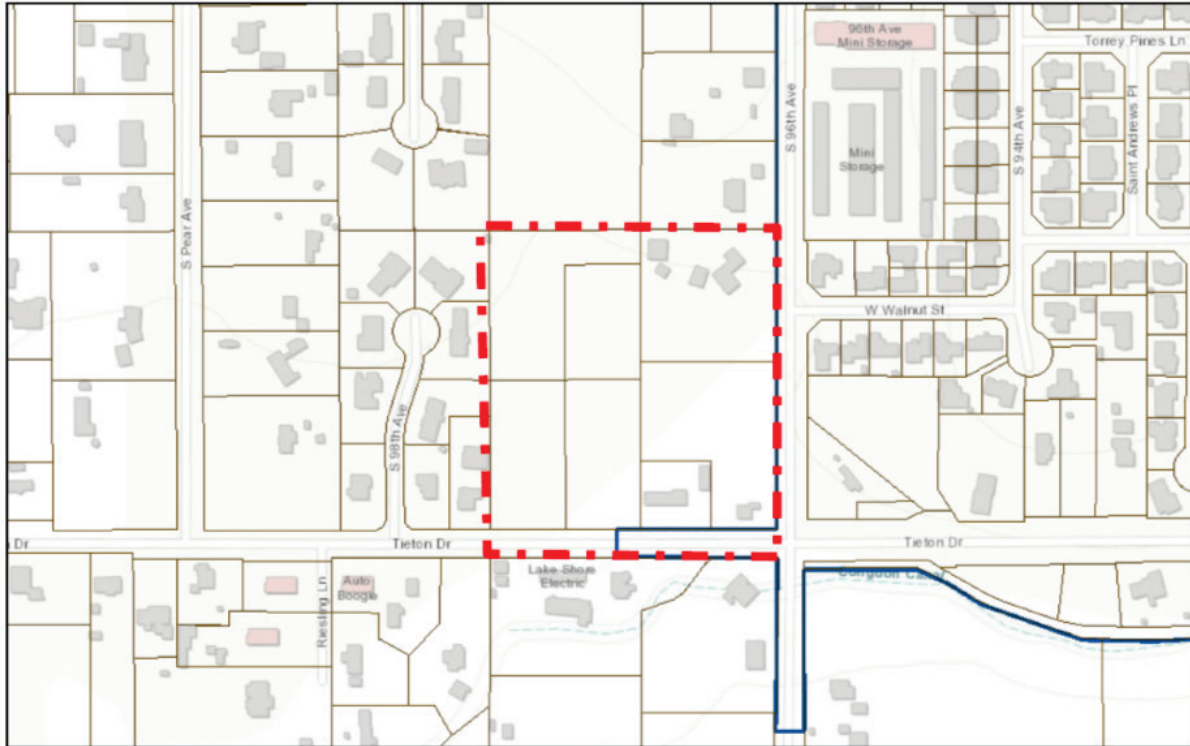
Signer's Name Printed: Keith Kovalenko

Signer's Title: District Manager







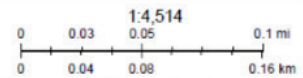
# EXHIBIT "A" Annexation Map

## 96th and Tieton Annexation



May 20, 2019

-  Parcels
-  Yakima City Limits
-  Yakima Urban Area
-  Annexation Area— +/- 9.6 Acres



Yakima GIS. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, City of Yakima, Washington  
 City of Yakima, Washington - 2017

**EXHIBIT "B"**  
**Legal Description**

Parcels:

171324-44407, 44415, 44416, 44417, 44418, 44419, and 44420

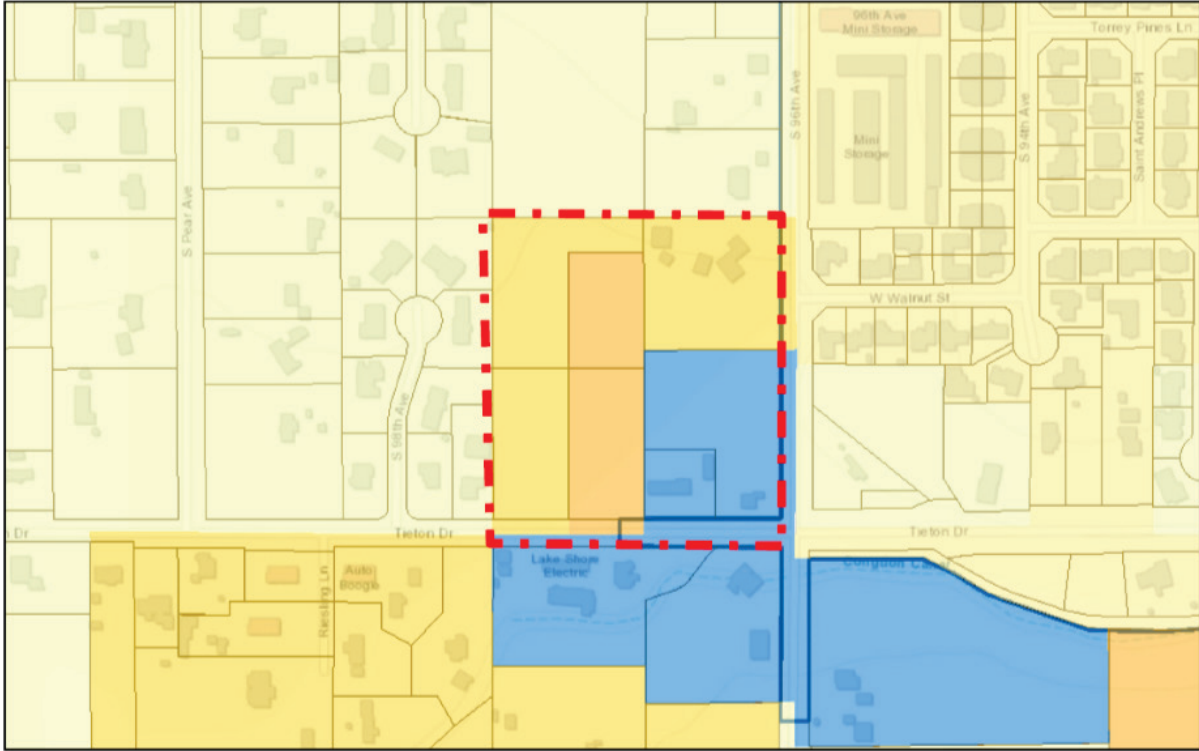
Section 24 Township 13 Range 17 Quarter SE. Beginning at the NE corner of Lot 1 SP 84-197, thence S 89° 53' 33" W 625.78 ft to the NW corner of Lot 4 SP 84-200, thence S 0° 08' 49" E 649.10 ft to the SW corner of Lot 3 SP 84-200, thence N 90° 0' E 622.7 ft to the SE corner of Lot 2 SP 84-197, then N 0° 07' 30" E 650.27 ft to the point of beginning.

And including the complete Right-of-Way for Tieton Drive to the SW corner of Lot 3 SP 84-200

# EXHIBIT "C"

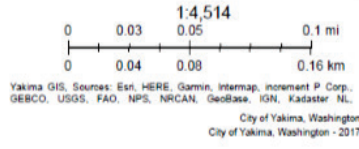
## Zoning and Future Land Use

### 96th and Tieton Annexation - City Zoning



May 20, 2019

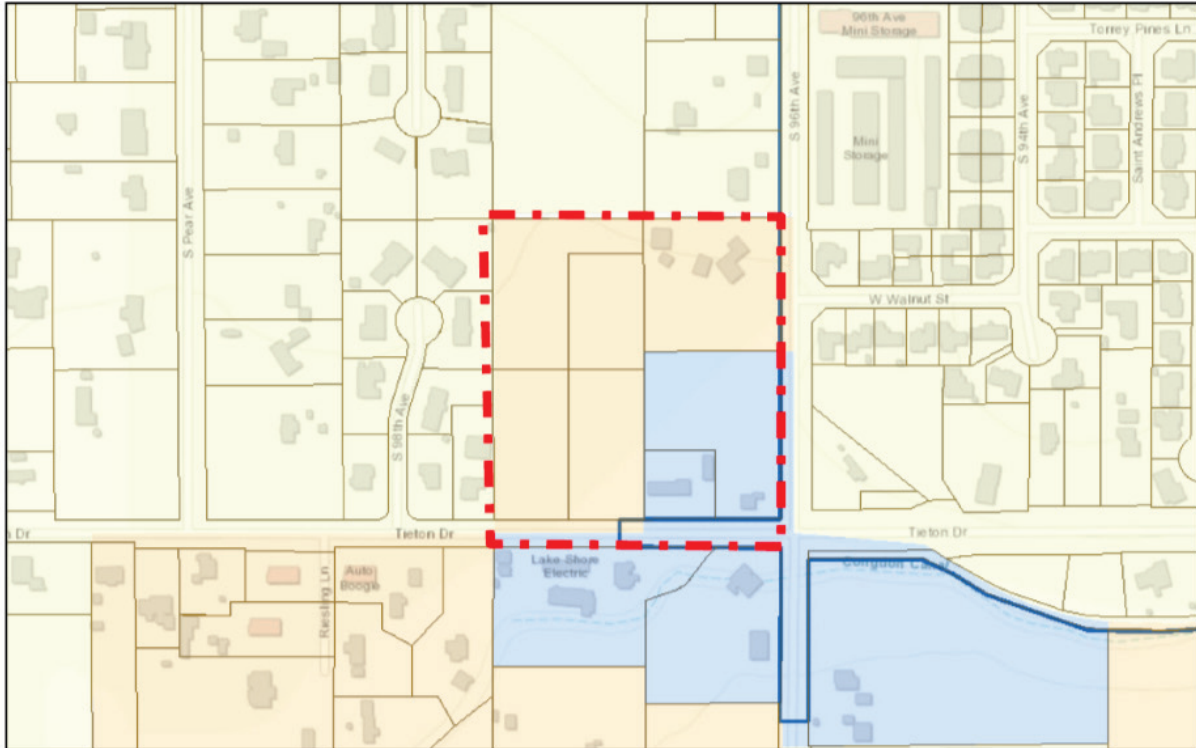
- Yakima Urban Area Zoning**
- SR Suburban Residential
  - R-1 Single Family
  - R-2 Two Family
  - R-3 Multi-Family
  - B-1 Professional Business
  - B-2 Local Business
  - HB Historical Business
  - SCC Small Convenience Center
  - Annexation Area**



# EXHIBIT "C"

## Zoning and Future Land Use

### 96th and Tieton Annexation - City Future Land Use



May 20, 2019

