

ORDINANCE 2020 - 06

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, ANNEXING CERTAIN
PROPERTY TO THE CITY OF SUNNYSIDE, ESTABLISHING ZONING
AND AMENDING ZONING MAP – RODRIGUEZ/BOS ANNEXATION**

WHEREAS, the City of Sunnyside, Washington, has received a Petition for annexation of property into the City of Sunnyside identified as the “Rodriguez/Bos Annexation”; and

WHEREAS, the documentation filed is in proper form and a Notice of Intention has been submitted to and approved by the State Boundary Review Board for Yakima County, which approval was granted by order of the Board on June 1, 2020; and

WHEREAS, the Planning Commission has held a public hearing pursuant to published notice on February 11, 2020, and has recommended approval of the annexation, and recommended that the property be zoned R-3, High Density Residential, and that the City of Sunnyside Comprehensive Plan and zoning map be amended accordingly; and

WHEREAS, the owners of Yakima County Assessor’s Parcel NO. 221023-43400 (6.85 acres), 221023-44400 (4.75 acres), 221023-43401 (10.11 acres), 221023-44401 (5.71 acres), and 221023-44013 (4.31 acres) have requested a zoning destination of R-3, High Density Residential, with proposed development pursuant to R-3, High Density Residential standards; and

WHEREAS, the City Council has held an open record public hearing pursuant to Title 19 of the Sunnyside Municipal Code on March 11, 2019 considering the record herein and the recommendations of the Sunnyside Planning Commission concerning the proposed annexation; and

WHEREAS, the City Council finds and determines as follows:

- (a) The City Council has jurisdiction to determine all matters and issues herein.
- (b) All procedures and requirements of law and the Sunnyside Municipal Code have been performed and satisfied regarding such proposed annexation.
- (c) The annexation of the proposed property into the City of Sunnyside of Sunnyside is in the best interest of residents of the City of Sunnyside, and the proposed M-1, Light Industrial zoning is consistent with the Comprehensive Plan of the City of Sunnyside, and the Findings and Conclusion of the Sunnyside Planning Commission are hereby adopted and approved;
- (d) Approval of such annexation will promote the general health, safety and welfare and will preserve the existing neighborhood and promote quality of life and quiet enjoyment of the residents in the subject area;

WHEREAS, The City Council, having made the above findings, determines that such property should be annexed to the City of Sunnyside with a zoning of R-3, High Density Residential, and that the Comprehensive Plan and Zoning map of the City of Sunnyside should be amended accordingly and as necessary.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. That the property of the "Rodriguez/Bos Annexation", consisting of five parcels totaling approximately 32.69 acres in total size, commonly known as Yakima County Assessor's Parcel Nos. 221023-43400, 221023-44400, 221023-43401, 221023-44401 and 221023-44013 and as legally described in Exhibit "A", and shown on the map attached hereto as Exhibit "B", incorporated herein by this reference, is hereby annexed to the City of Sunnyside.

Section 2: That all of the property within the territory hereby annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Sunnyside for any outstanding indebtedness of the City of Sunnyside, including assessments on taxes in payment of any bonds issued or debts contracted prior to or existing on the date hereof.

Section 3: That the property subject to this annexation shall be, and the same hereby is, zoned R-3, High Density Residential and that the zoning maps of the City of Sunnyside shall be amended to reflect the same, together with appropriate designation and amendment of the City of Sunnyside Comprehensive Plan as necessary; and that all parcels included within such annexation are hereby deemed permitted for purposes of zoning designation.

Section 4: That the City Manager or his designee is hereby authorized and directed to notify the Washington Utilities and Transportation Commission, together with utility providers, of this annexation, and to approve, on behalf of the City of Sunnyside, an appropriate transition franchise agreement with any existing utility provider for the property subject to this annexation;

Section 5: That this Ordinance shall be effective July 27, 2020, or five (days) after passage, approval and publication as required by law and a copy of this Ordinance shall be filed with the office of the Yakima County Commissioners and with the Yakima County Auditor, and with all other appropriate entities or agencies with jurisdiction.

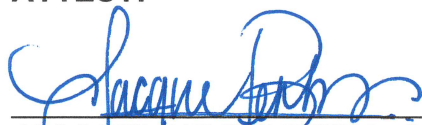
Section 6: This Ordinance replaces and supersedes any and all other ordinances affecting the subject matter of this Ordinance insofar as they may be inconsistent herewith. If any provisions of this Ordinance shall be held to be invalid, the remainder of this Ordinance shall not be affected.

Section 7: The City Manager or his designee is hereby authorized to clerically amend and/or supplement this Ordinance by attaching to this Ordinance, as exhibit, the legal description of the property subject to this annexation ordinance, upon receipt of such legal description from Yakima County Public Works Department, and that upon such attachment, such references in this Ordinance to exhibits shall be deemed incorporated herein by reference, and to supersede and replace such legal description of the property subject to this annexation.

PASSED this 27th day of July, 2020.


FRANCISCO GUERRERO, MAYOR

ATTEST:

A handwritten signature in blue ink, appearing to read 'Jacqueline Renteria', written over a horizontal line.

JACQUELINE RENTERIA, CITY CLERK

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to be a stylized 'K' or similar, written over a horizontal line.

KERR LAW GROUP, PLLC

Attorneys for the City of Sunnyside

EXHIBIT A

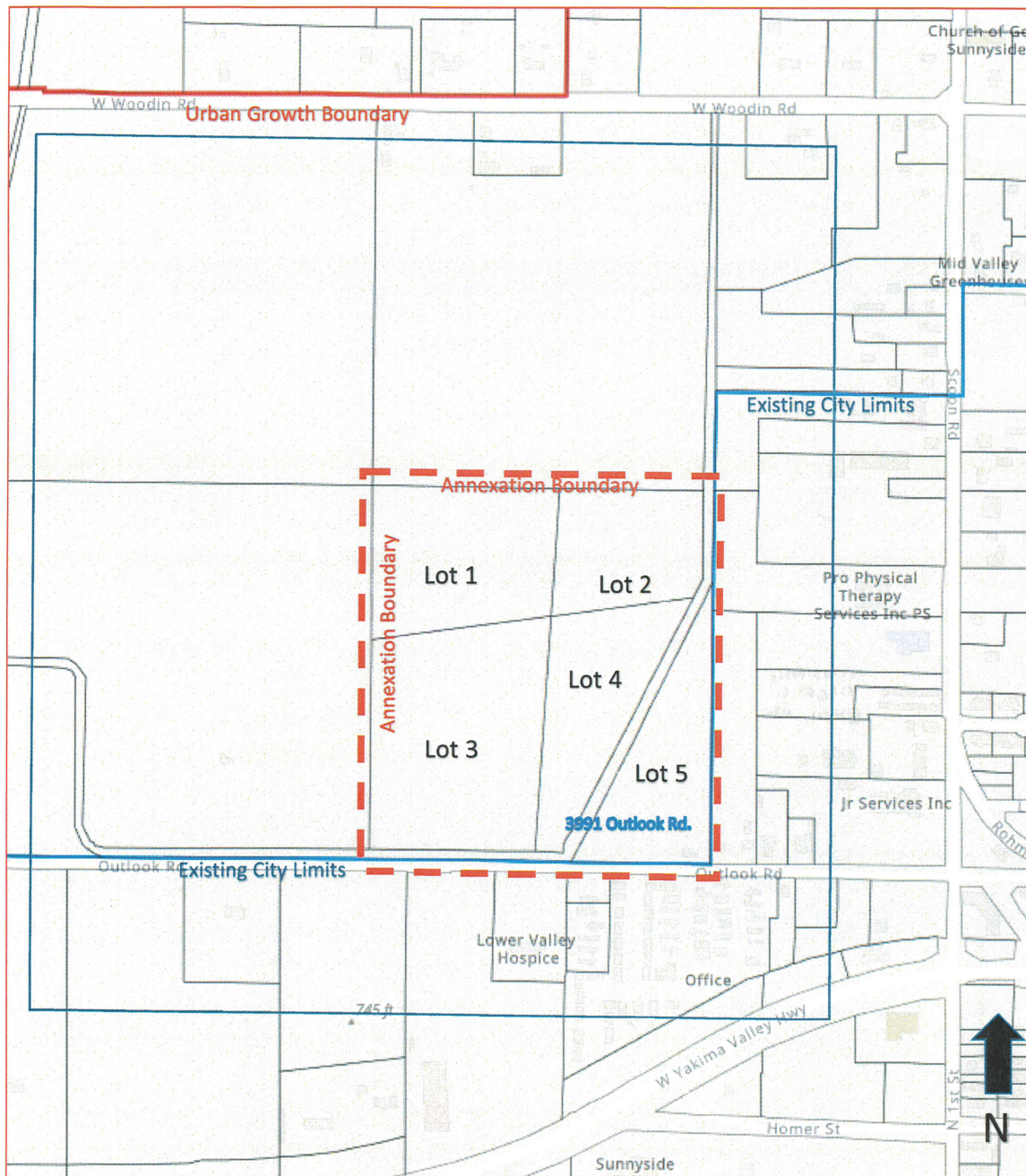
Beginning at the Southeast corner of Section 23, Township 10, Range 22, Thence North $89^{\circ}24'15''$ West, 1999.72 feet, along the centerline of Outlook Road, Thence North $0^{\circ}07'40''$ West 30 feet to the true point of beginning, and the Southwest Corner of Parcel 4 of Book 80-0109 and the South Line of the SVID 40' D.I.D. #3, Sub 2 Easement, Thence North $0^{\circ}07'40''$ West, 1,281.11 feet to the Northwest corner of Parcel 1, Book 80-0109, Thence South $89^{\circ}42'08''$ East, 1191.69 more or less to the East line of the D.I.D. #3 and the West line of the City Boundary for the City of Sunnyside, Thence South along said west line of the city boundary to the North Right of Way line for Outlook Road, Thence West along said North Right of Way line to the true point of beginning.



Planning & Community Development

818 East Edison Avenue
Sunnyside, Washington 98944
(509) 837-7999 Office, (509) 836-6383 Fax

BOS & RODRIGUEZ ANNEXATION 2020 VICINITY MAP



Map drafted: 01/29/20 - Not to scale

The geographic data layers produced by the City of Sunnyside, WA and any associated maps and applications, are provided as a public resource. While every reasonable effort is made to ensure the accuracy and completeness of the data, the City of Sunnyside makes no warranties, expressed or implied, concerning the accuracy, completeness or suitability of its data, and it should not be construed or used as a legal description.

RESOLUTION 2009 - 49

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, ACCEPTING
NOTICE OF INTENTION TO COMMENCE ANNEXATION,
SETTING CONDITIONS, AUTHORIZING SUBMISSION
OF PETITION AND REFERRING TO HEARING BODY
(Fred Rodriguez Annexation)**

ORIGINAL

WHEREAS, the City of Sunnyside has received from Fred Rodriguez, owner of record of the property 5.74 acres in size, located north of Outlook Road and westerly of existing city limits, Sunnyside, Washington, (Yakima County Assessor's Parcel No. 221023-44013), a Notice of Intention to Commence Annexation Proceedings, as shown on the attached Notice of Intention; and

WHEREAS, the City Council, having conducted an Annexation Initiation Meeting with the applicant on June 8, 2009, finds as follows:

- (a) The Notice of Intention to Commence Annexation Proceedings is hereby received, with recommended modification to include the 3.22 acre parcel abutting the subject property on the east, to wit: Yakima County Assessor's Parcel No. 221023-44026.
- (b) The applicant is hereby authorized to prepare and submit a Petition for Annexation signed by all owners of record which shall be referred for consideration and public hearing before the Planning Commission or Hearing Examiner as deemed appropriate by the City Manager.
- (c) The hearing body shall conduct a public hearing and assign a recommended zoning of the property in substantial compliance with the Comprehensive Plan of the City of Sunnyside.
- (d) The City of Sunnyside will require assumption of all existing City indebtedness by the area to be annexed.

WHEREAS, the City Council finds and determines that this action is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY
COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:**

SECTION 1. That the Notice of Intention to Commence Annexation Proceedings, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, submitted by Fred Rodriguez for property commonly known as Yakima County Assessor's Parcel No. 221023-44013, Sunnyside, Washington, and as further shown and described in Exhibit "B," is hereby received.

SECTION 2. That the findings and procedures stated in the recitals above are hereby adopted and incorporated within this action.

SECTION 3. The City Manager is hereby authorized to submit this Resolution and the Petition for Annexation to the Sunnyside Planning Commission or Hearing Examiner, and to seek early transfer of jurisdiction from Yakima County, as deemed necessary or appropriate.

SECTION 4. This Resolution shall be effective upon passage, approval and signatures hereon in accordance with law.

PASSED this 8th day of June, 2009.


PABLO GARCIA, MAYOR

ATTEST:


DEBORAH A. ESTRADA, CITY CLERK

EXHIBIT "A"

0904003-1 0025 02/09/2009 003 11
PLATS ZONING SUBDIVISION FEES \$10.00

**NOTICE OF INTENTION TO COMMENCE
ANNEXATION PROCEEDINGS**

To: The City of Sunnyside City Council
818 E. Edison Avenue
Sunnyside, WA 98944

City Council:

The undersigned, who are owners of not less than 10 percent (10%) of the acreage for which annexation is sought, hereby notify the City Council of the City of Sunnyside that it is the desire and intention of the undersigned to commence annexation proceedings pursuant to Chapter 35A.14 RCW.

The property subject to the proposed annexation is shown on Exhibit "A" attached hereto and incorporated herein by this reference.

It is requested that the City Council set a date not later than sixty (60) days after the filing of this Notice of Intention for a meeting with the undersigned initiating parties to determine:

- (1) Whether the City Council will accept, reject or geographically modify the proposed annexation; and
- (2) Whether the City Council will require the simultaneous adoption of a proposed zoning regulation for the subject property in substantial compliance with the Comprehensive Plan as adopted by the City of Sunnyside, or other zoning regulations adopted pursuant to RCW 35A.14.330 and 35A.14.430; and
- (3) Whether the City of Sunnyside shall require the assumption of all or any portion of existing City indebtedness by the area to be annexed.

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

Principal contact person for this annexation is:

Name: Fred Rodriguez Phone: _____

Address: 1100 Kearney Ave Sunnyside

WARNING

Every person who signs this Notice of Intention with any other than his or her true name, or who knowingly signs more than one of these petitions, or who 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.

Name/Address/Parcel No(s)

1.

J Fred Rodriguez
Print Name

[Signature]
Signature

3991 outlook Rd.
Address of Property to be annexed

221023-44013
Parcel Number(s)

1100 Kearney Ave Sunnyside
Address of owner

02-08-09
Date of Signature

2.

Print Name

Signature

Address of Property to be annexed

Parcel Number(s)

Address of owner

Date of Signature

3.

Print Name

Signature

Address of Property to be annexed

Parcel Number(s)

Address of owner

Date of Signature

4.

Print Name

Signature

Address of Property to be annexed

Parcel Number(s)

Address of owner

Date of Signature

EXHIBIT "B"

Yakima County GIS - Washington Land Information Portal

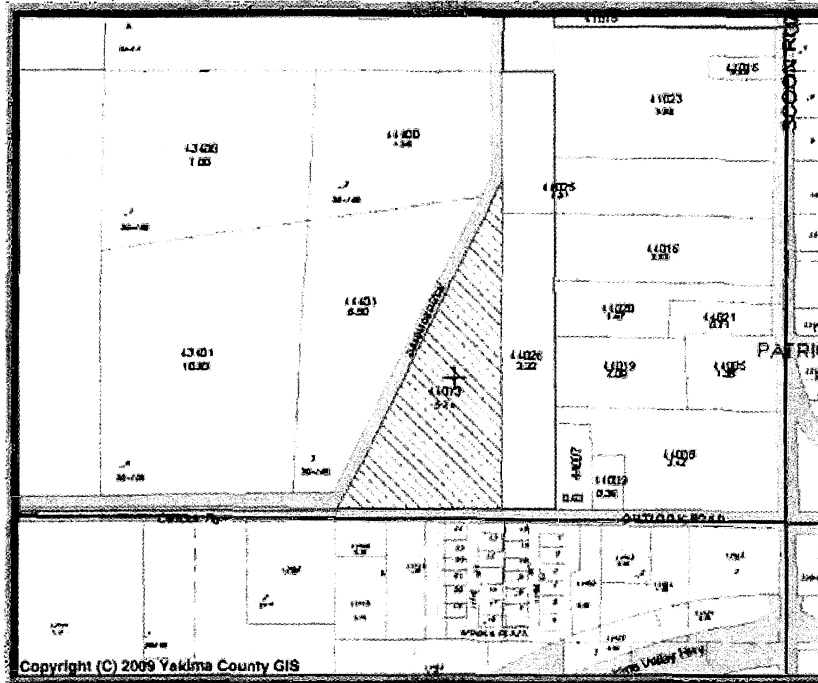
Yakima County 509.5500
Yakima County GIS
Yakima County

ALMON COMMERCIAL REAL ESTATE

www.almoncommercial.com
509.966.1869

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Search By: Parcel Number

Parcel #:

Enter a complete or partial PARCEL NUMBER. Parcel Numbers must be at least 8 characters. Click the Search button to continue.

Search

MapScale: 1 inch = 400 ft.

Overlays: Aerial Photography:
☐ FEMA ☐ Critical Areas
☐ Contours ☐ Utilities

MapSize: Small (800x600)


Maps brought to you by:

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 Title Insurance & Escrow Service
 www.vtgc.com
 (509) 248-4442

Eastings(N) : Northing(N)
 Longitude(E) : Latitude(N)

Click Map to: [Get Information](#)

One Inch = 400 Feet
 Feet 200 400 600


PROPERTY PHOTOS: 		PROPERTY INFORMATION AS OF 6/4/2009 3:01:58 AM		PRINTING	
Parcel Address: 3991 OUTLOOK RD, WA		Parcel Owner(s): J FRED & LILIANA R RODRIGUEZ		<input type="button" value="Printer-Friendly Page"/>	
Parcel Number: 22102344013		Parcel Size: 5.74 Acre(s)		<input type="button" value="Detailed Report"/>	
Property Use: 11 Single Unit		TAX AND ASSESSMENT INFORMATION		<input type="button" value="Print Detailed MAP"/>	
Tax Code Area (TCA): 463		Tax Year: 2009			
Improvement Value: \$1000		Land Value: \$50000			
Current Use Value: \$0		Current Use Improvement: \$0			
New Construction: \$0		Total Assessed Value: \$51000			
RESIDENTIAL INFORMATION					
Quality	Year Built	Stones	Main SqFt	Upper SqFt	Bsmt SqFt
LOWCOST	1974	1.0	742	0/0	2
Bedrooms		Bathrooms	Garage	Carport	
1/0/0		1/0/0	0/0/0		
SALE INFORMATION					
Excess	Sale Date	Sale Price	Grantor	Portion of Parcel	
406012	11/19/2008	\$59500	PADILLA, JESSE C & ESPERANZA N		
DISCLAIMER					
While the information is intended to be accurate, any manifest errors are unintentional and subject to correction. Please let us know about any errors you discover and we will correct them. To contact us call either (509) 574-1100 or (800) 572-7354, or email us.					

OVERLAY INFORMATION	
Zoning: R-1	Jurisdiction: County
Urban Growth Area: Sunnyside	Future Landuse Designation: UGA (Yakima County Plan 2015)
FEMA: Not within floodplain.	FIRM Panel Number: 5302171650B
LOCATION INFORMATION	
Latitude: 46° 19' 56.170"	Longitude: 120° 1' 25.940"
Range: 22 Township: 10 Section: 23	
Narrative Description: TH PT OF W 3/4 OF W 1/2 SE 1/4 SE 1/4 LY SE 1/4 OF D.L.D. NO.3 MH-REAL 1974 CONCORD 56X14 UNKNOWN SERIAL (RECORD CHANGE FORM TY 2003)	
DISCLAIMER	
MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED. THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION	

EXHIBIT "B"

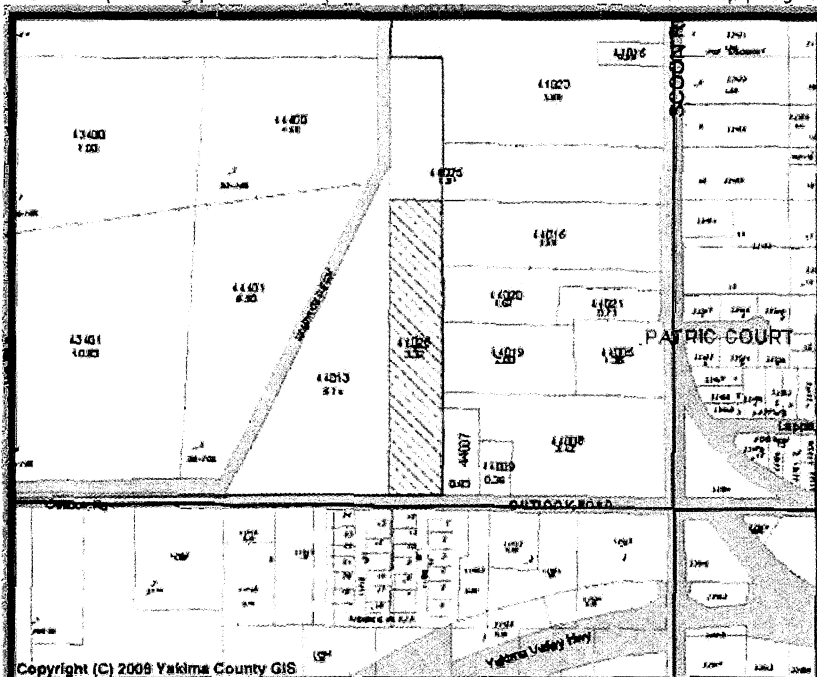
Yakima County GIS - Washington
Land Information Portal

Yakima County Assessor
 Yakima County GIS
 Yakima County



First American Title
 www.yakimatitle.com
 509.248.7550

Assessor | Planning | Real Estate |
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Search By: Parcel Number ?

Parcel #:


Enter a complete or partial PARCEL NUMBER. Parcel Numbers must be at least 8 characters. Click the Search button to continue.

Search

MapScale: 1 Inch = 400 ft.

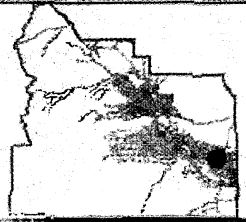
Overlays: Aerial Photography:
☐ FEMA ☐ Critical Areas
☐ Contours ☐ Utilities

MapSize: Small (800x600)

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 www.vtgc.com
 (509) 248-4442

Eastings(N) | Northings(N) One Inch = 400 Feet
 Longitude(E) | Latitude(N) Feet 200 400 600

Click Map to: [Get Information](#)

PROPERTY PHOTOS: 		PROPERTY INFORMATION AS OF 6/4/2009 3:01:58 AM				PRINTING			
Parcel Address: SCOON RD., WA		Parcel Owner(s): ZENON & NATIVIDAD FERNANDEZ				<input type="button" value="Printer-Friendly Page"/>			
Parcel Number: 22102344026		Parcel Size: 3.32 Acre(s)							
Property Use: 11 Single Unit		TAX AND ASSESSMENT INFORMATION				<input type="button" value="Detailed Report"/>			
Tax Code Area (TCA): 450		Tax Year: 2009							
Improvement Value: \$26700		Land Value: \$50600				<input type="button" value="Print Detailed MAP"/>			
Current Use Value: \$0		Current Use Improvement: \$0							
New Construction: \$0		Total Assessed Value: \$77300							
RESIDENTIAL INFORMATION									
Quality	Year Built	Stones	Main SqFt	Upper SqFt	Bsmt SqFt	Bedrooms	Bathrooms (full/3/4, 1/2)	Garage (bsmt/att/bltn)	Carport
LOWCOST	1930	1.0	720		0/0	2	0/0/0	0/0/0	
LOWCOST	1930	1.0	720		0/0	2	0/0/0	0/0/0	
SALE INFORMATION								SECTION MAPS	
Excise	Sale Date	Sale Price	Grantor		Portion of Parcel			<input type="button" value="Section Map 1in=400ft"/>	
No Sales information Found.									
DISCLAIMER								Or SECTION MAPS	
While the information is intended to be accurate, any manifest errors are unintentional and subject to correction. Please let us know about any errors you discover and we will correct them. To contact us call either (509) 574-1100 or (800) 572-7354, or email us.								NW-Qtr 1"=200ft	
								NE-Qtr 1"=200ft	
								SW-Qtr 1"=200ft	
								SE-Qtr 1"=200ft	

OVERLAY INFORMATION			
Zoning:	R-1	Jurisdiction:	County
Urban Growth Area:	Sunnyside	Future Landuse Designation:	UGA (Yakima County Plan 2015)
FEMA:	Not within floodplain.	FIRM Panel Number:	5302171650B
LOCATION INFORMATION			
Latitude: 46° 19' 58.855"		Longitude: 120° 1' 22.888"	
Range: 22		Township: 10 Section: 23	
Narrative Description: PT E 5 ACRES OF W1/2 SE1/4 SE1/4 LYS'LY OF FOL DESC LN, BEG 698 FT N OF SE COR SE1/4, TH N 88° W TO W LN E 5 ACRES W1/2 SE1/4 SE1/4 & END SD LN			
DISCLAIMER			
MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED; THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION			

RESOLUTION NO. 2019-07

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, ACCEPTING
NOTICE OF INTENTION TO COMMENCE ANNEXATION,
SETTING CONDITIONS, AUTHORIZING SUBMISSION
OF PETITION AND REFERRING TO HEARING BODY
(David Bos Annexation)**

WHEREAS, David Bos owner of record of Yakima County Assessor's Parcel Nos. 221023-43400, -4400, -43401, -44401, consisting of 26.5 acres, submits a Notice of Intention to Commence Annexation Proceedings, as shown on the attached Notice of Intention; and

WHEREAS, the City Council, having conducted an Annexation Initiation Meeting on March 11, 2019, finds as follows:

- (a) The Notice of Intention to Commence Annexation Proceedings is hereby received.
- (b) The applicant is hereby authorized to prepare and submit a Petition for Annexation, which shall be referred for consideration and public hearing before the Planning Commission.
- (c) The hearing body shall conduct a public hearing and assign a recommended zoning of the property in substantial compliance with the Comprehensive Plan of the City of Sunnyside.
- (d) The City of Sunnyside will require assumption of all existing City indebtedness by the area to be annexed.

WHEREAS, the City Council finds and determines that this action is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:


1. That the Notice of Intention to Commence Annexation Proceedings, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, submitted by David Bos for property described above and as further shown and described in Exhibit "B," is hereby received.

2. That the findings and procedures stated in the recitals above are hereby adopted and incorporated within this action.

3. The City Manager is hereby authorized to submit this Resolution and the Petition for Annexation to the Sunnyside Planning Commission.


4. This Resolution shall be effective upon passage, approval and signature hereon in accordance with law.

PASSED this 11th day of March, 2019.



JULIA HART, MAYOR

ATTEST:



JACQUELINE RENTERIA, CITY CLERK