

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR YAKIMA COUNTY

NOTICE OF INTENTION

for office use only:

BRB FILE # 2017-00001

1. Name of City, Town or special purpose district: City of Moxee
2. Action Sought: Annexation
 Formation of a Special Purpose District
 Incorporation
 Other Boundary Change
 Merger/Consolidation of Special Purpose District
 Dissolution of Special Purpose District
 Water or Sewer Extension _____ Size of Water Line _____ Sewer Line
3. This proposal shall be known as: 2017 Dorais Annexation
4. Driving directions to location of proposed action: Hwy 24 to Beaudry Rd, north on Beaudry Rd to Duffield Rd, right on Duffield Rd, head east approx 3/4 mile, property is on north side.
5. Briefly describe proposal: Annex approximately 29 acres
6. Method used to initiate the proposed action: Petition Election Resolution
7. State statute under which action is sought: RCW 35A.01.040

FACTORS THE BOARD MUST CONSIDER

POPULATION AND LAND USE:

1. Provide the following information:

POPULATION OF PROPOSED AREA		POPULATION OF EXISTING ENTITY	
	EXISTING	10-YEAR PROJECTION	EXISTING
People	4	12	3955
Residences	3	6	1102
Businesses	0	0	61
			5135
			1432
			65

2. What source is the basis for this projection information? City Comprehensive Plan
3. Acres within the proposed area 29 Acres within existing entity 1675
4. Assessed valuation of proposed area \$ 601,040 of existing entity \$ 319,113,238
5. Existing land use of the proposed area Residential and agricultural
6. Existing land use of the area surrounding the proposal: Residential and agricultural

7. Are all surrounding & interior roads included in the annexation? Yes No
If no, why not? _____

8. Is there new residential, commercial, or industrial development that is associated with this proposal? No
If yes, describe any projects being considered or proposed: To our knowledge, one new residential unit is proposed

9. If the proposal is approved, will there be land use changes within the next 18 months?
o Land Use Possible new residential housing units
o Zoning No
o Comprehensive Plan No

10. Has the proposed area been the subject of land use action by Yakima County? No
If so, please explain _____

11. a. Yakima County Comprehensive Plan designation for the proposed area: Residential

b. For surrounding areas: Residential, Ag, Agricultural Resource

c. Yakima County Zoning for the proposed area: Residential

d. For surrounding areas: Residential, Ag, Agricultural Resource

12. Is this proposal consistent with the coordinated water system plan, if any? Yes No

13. Does your jurisdiction have an adopted comprehensive plan? yes Date Adopted: 2011

14. Describe how this proposal is consistent with the adopted comprehensive plan: The proposed area is within the City's Urban Growth Area and prezoned as R-1 Residential

a. Proposed city zoning upon annexation: R-1 Single Family Residential

15. Has any portion of this area been previously reviewed by the Boundary Review Board? No
Explain _____

16. Describe the following as required by RCW 36.93.170 and the effects on land use, accessibility and potential development:

a. Topography: The property is slightly elevated which creates nice view property for residential use
b. Natural Boundaries: The property is bound to the north by an irrigation canal
c. Drainage Basins: No effects

17. Is the proposed area within the Urban Growth Area for your municipality? Yes

MUNICIPAL SERVICES

1. What services will be provided in the proposed area?

	EXISTING PROVIDER	PROPOSED PROVIDER	TIME FRAME for SERVICES	HOW FINANCED
Water	City of Moxee	City of Moxee	As needed	Developer/City
Sewer	On site septic	Property Owner	As needed	Developer
Fire	EV District #4	EV District #4	Existing	Taxes
Stormwater	On site	none	N/A	Developer
Roads	City of Moxee	City of Moxee	Existing	Existing
Parks	City of Moxee	City of Moxee	Existing	Taxes
Police	City of Moxee	City of Moxee	Existing	Taxes
School	EV School District	Same	Existing	Taxes
Library	Yakima Valley Library	Same	Existing	Taxes

2. Does your jurisdiction have a current Capital Facilities Plan? Yes
 Does it consider the proposed area? Yes

3. Describe the effect your jurisdiction's ordinances, governmental codes, regulations and resolutions will have on existing uses in the proposed area: The proposed area will be governed by Moxee Municipal Code, the existing homes conform to the zone. The vacant land will be developed as residential which is consistent with the Code.

4. Describe the probable future needs for services and additional regulatory controls in the area? As the property is further developed the future needs for services will be met with available capacity or the City's Capital Facilities. The proposed area is consistent with the existing regulatory controls.

5. Describe the probable effects of the proposal on the cost an adequacy of services and regulatory controls:

- a. In the proposed area? The City has available capacity of services. Costs will be reduced because connections on property in City are less than outside connections
- b. In the adjacent area? None of that

6. Estimate the following to be incurred under the proposal:

- a. Proponent Expenditures to be incurred: \$ 0
- b. Proponent Revenues to be gained: \$ 900.00 taxes
- c. County Revenue Lost: \$ 1100.00 taxes
- d. County Expenditure Reduction: \$ Road Maintenance costs
- e. Fire District Revenue Lost: \$ 0
- f. Fire District Expenditure Reduction: \$ 0
- g. Financial Impact to Special Districts (library, parks, hospital): \$ 0

7. What is the future impact of your proposal on the school district? As the vacant property develops into residential housing there will be an impact to the school district with new students and new property tax revenue.

ENVIRONMENTAL INFORMATION

1. Is there an existing environmental review pertinent or related to this proposal? Yes No
If No, answer questions 2 through 5.
2. Expected impact of any proposed development to adjacent roads and highways: There are no identified development proposals at this time
3. Expected impact of any proposed development on air quality: N/A
4. Does the area under consideration contain "critical areas"? (floodplain, wetland, steep slope wildlife habitat area, etc.): No
5. Please describe any potential adverse impacts that could occur upon development: None known

OBJECTIVES OF THE BOUNDARY REVIEW BOARD

Describe fully which objectives of RCW 36.93.180 this proposal meets and which objectives this proposal does not meet. Please give your reasons for each of the objectives chosen:

1. Preservation of natural neighborhoods and communities: The proposed addition is within the City's Urban Growth Area and designated as residential, preserving natural neighborhoods and communities
2. Use of physical boundaries, including but not limited to bodies of water, highways, and land contours: The boundaries follow existing roads and an irrigation canal
3. Creation and preservation of logical service areas: The area is within the City's service area and some of the area is currently served by the City.
4. Prevention of abnormally irregular boundaries: The proposal follows existing roadway and an irrigation canal and does not create any abnormal or irregular boundaries.

5. Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand (10,000) population in heavily populated urban areas: N/A

6. Dissolution of inactive special purpose districts: N/A

7. Adjustment of impractical boundaries: N/A

8. Incorporation as cities or towns or annexation to cities and towns of unincorporated areas which are urban in character: This proposal is annexing urban designated property and does not include property designated as agricultural resource land.

9. Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority: The proposal does not include any property designated as agricultural resource lands.

EXHIBITS

See attached Notice of Intention Filing Instrucitons for explanation of Exhibits A, B, C, D, E, and F. Applicable Exhibits must accompany the Notice of Intention document.

I certify that the above is true and accurate, and that I am an official or employee of the governmental jurisdiction seeking boundary change action or the proponent for the incorporation or formation.

Dated this _____ day of June, 2017.



Signature

Byron Adams
Name of person completing this form

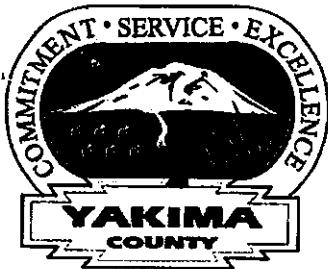
City Supervisor
Title

509-575-8851
Phone Number

509-575-8852
Fax Number

PO Box 249, Moxee, WA 98936
Mailing Address

Names and Addresses of other persons who should receive correspondence from the BRB in regard to this Notice:



Public Services

128 North Second Street • Fourth Floor Courthouse • Yakima, Washington 98901
(509) 574-2300 • 1-800-572-7354 • FAX (509) 574-2301 • www.co.yakima.wa.us

VERN M. REDIFER, P.E. - Director

May 17, 2017

Byron Adams
City of Moxee
255 W. Seattle Avenue
P.O. Box 248
Moxee, Washington 98936

RECEIVED
MAY 23 2017
CITY OF MOXEE

RE: Proposed Dorais Annexation

Dear Byron:

The legal description for the proposed annexation was prepared by a licensed surveyor; therefore the legal descriptions appear to be correct and accurate.

If you have any questions or need additional information, please don't hesitate to contact me.

Sincerely,

Kent L. McHenry, P.E.
Traffic Engineering Manager

EXHIBIT A

Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.

**City of Moxee
Dorais Annexation
HLA Project No. 17005G
March 14, 2017**

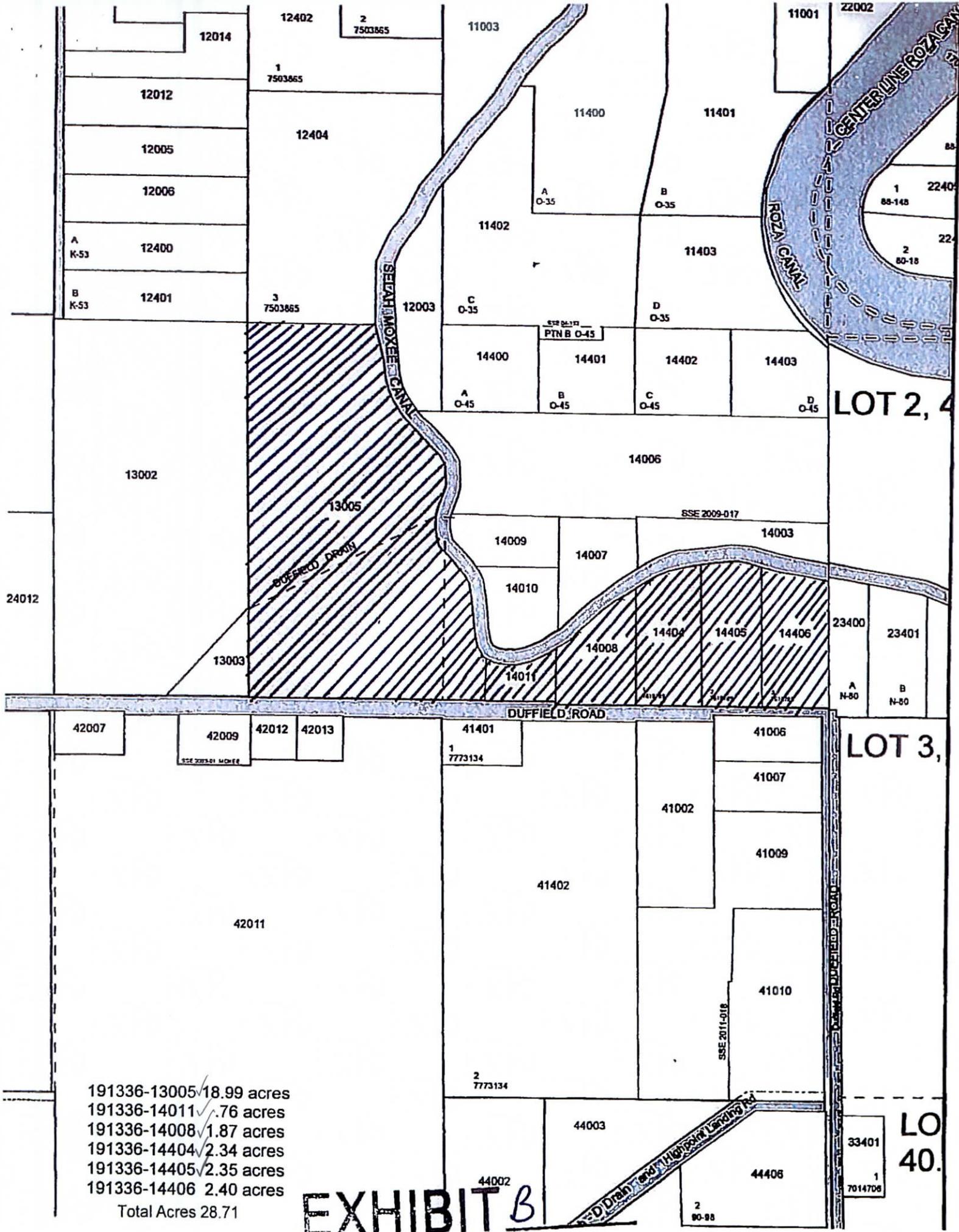
Annexation Area

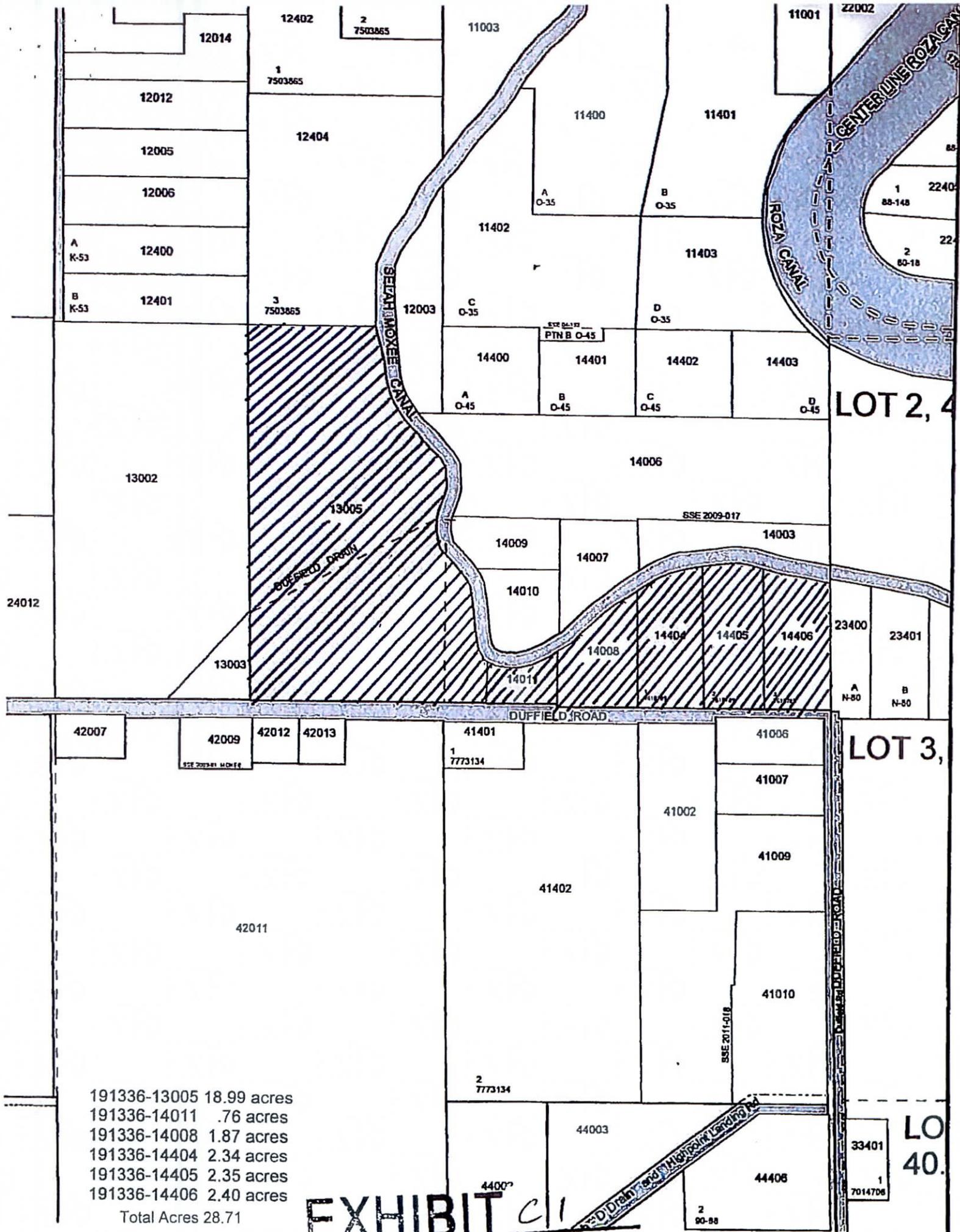
That part of the Northeast quarter of Section 36, Township 13 North, Range 19 East, W.M. described as follows:

Beginning at the Southeast corner of Lot 3 of that Short Plat recorded under Auditor's File Number 7618789, records of Yakima County, Washington;
Thence North along the East line thereof to the Southerly right of way line of the Selah-Moxee Canal;
Thence Westerly and Northerly along said right of way line to the North line of the Southwest quarter of the Northeast quarter of said Section 36;
Thence Westerly along said North line to the Northwest corner of the East half of the Southwest quarter of the Northeast quarter of said Section 36;
Thence Southerly along the Westerly line of said subdivision to the Northerly right of way line of Duffield Road;
Thence Easterly along said right of way line to the Point of Beginning;

Situate in Yakima County, Washington.

EXHIBIT A-1

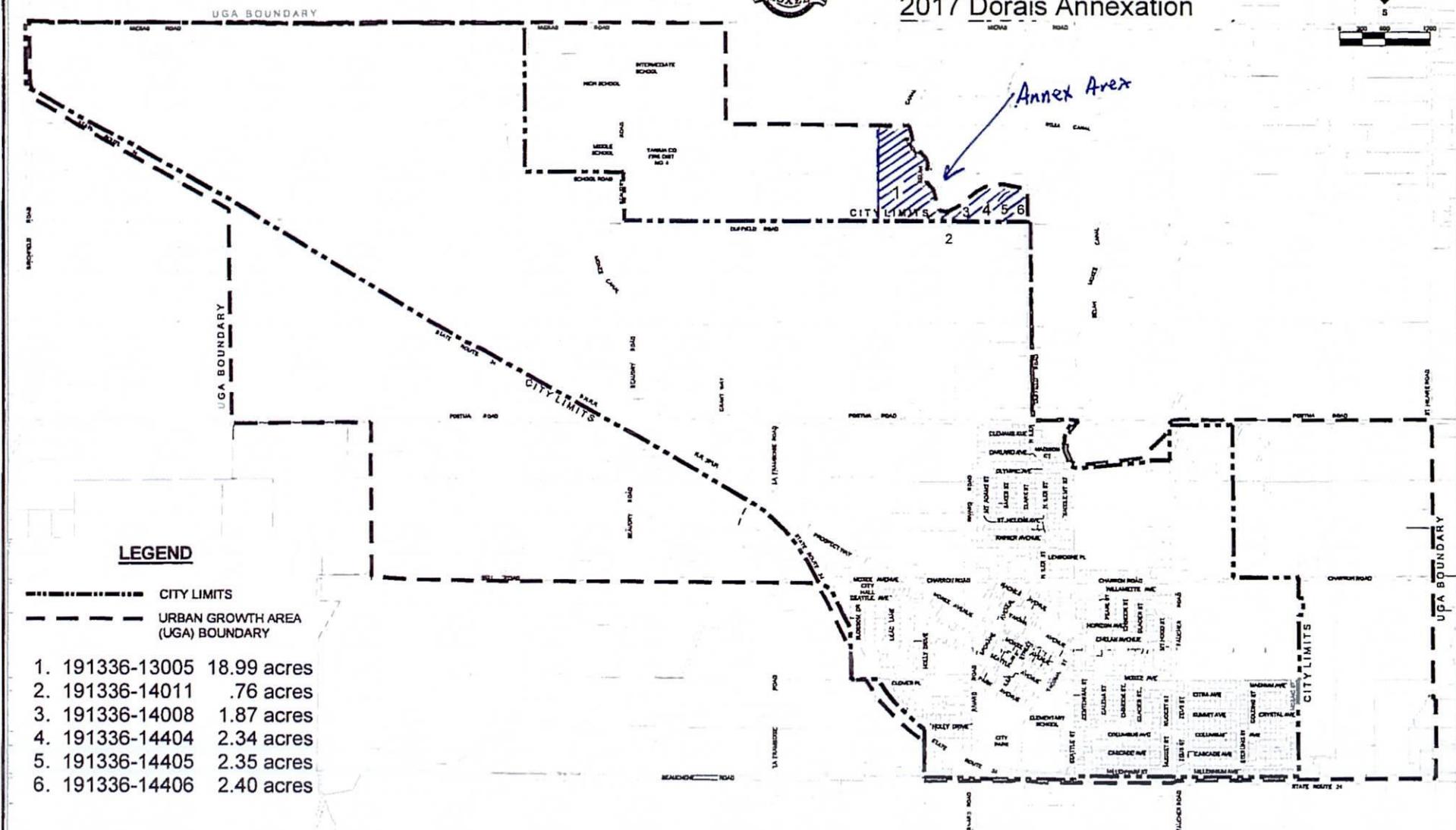
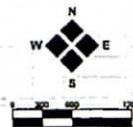






CITY OF MOXEE

2017 Dorais Annexation



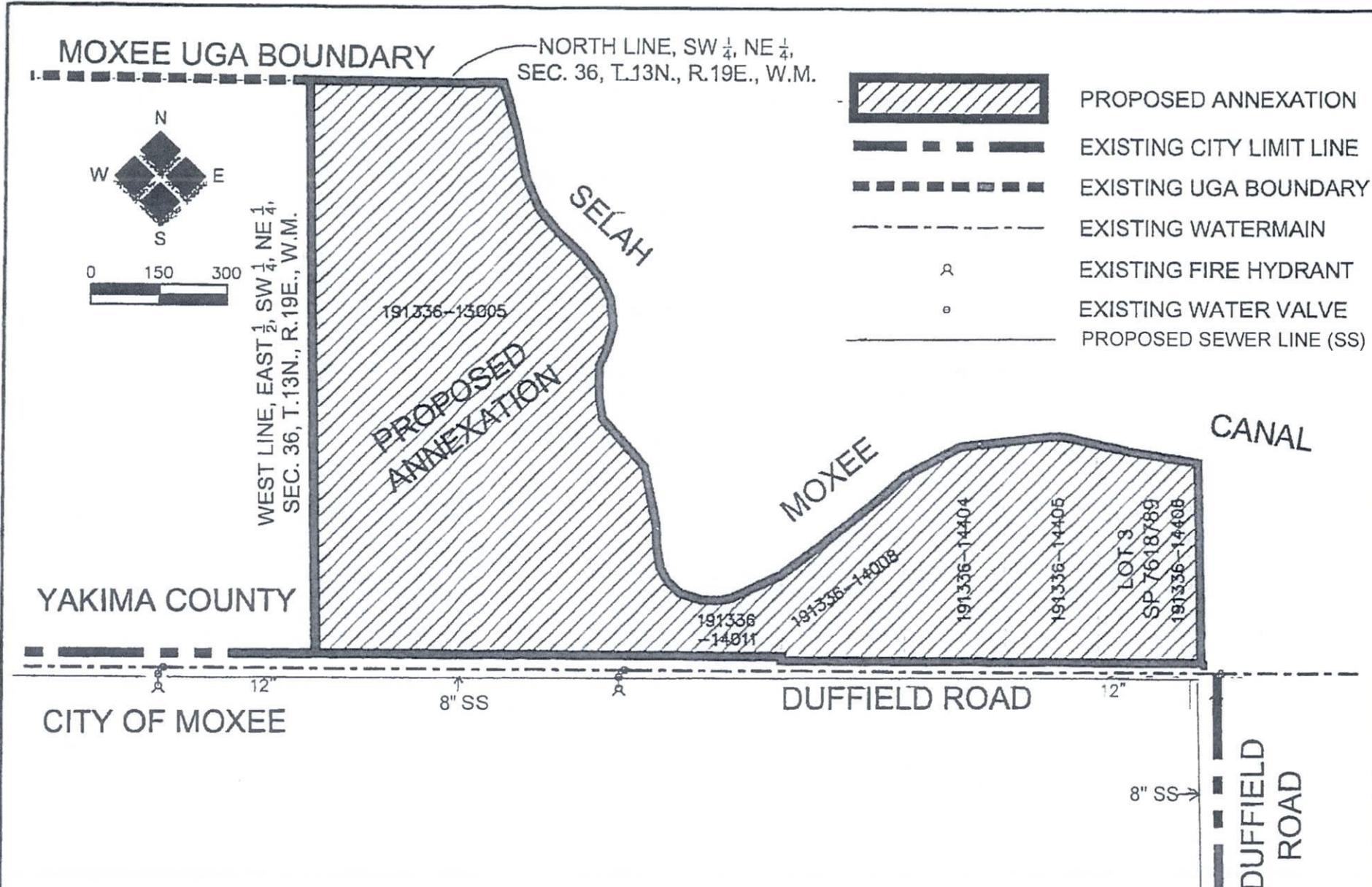
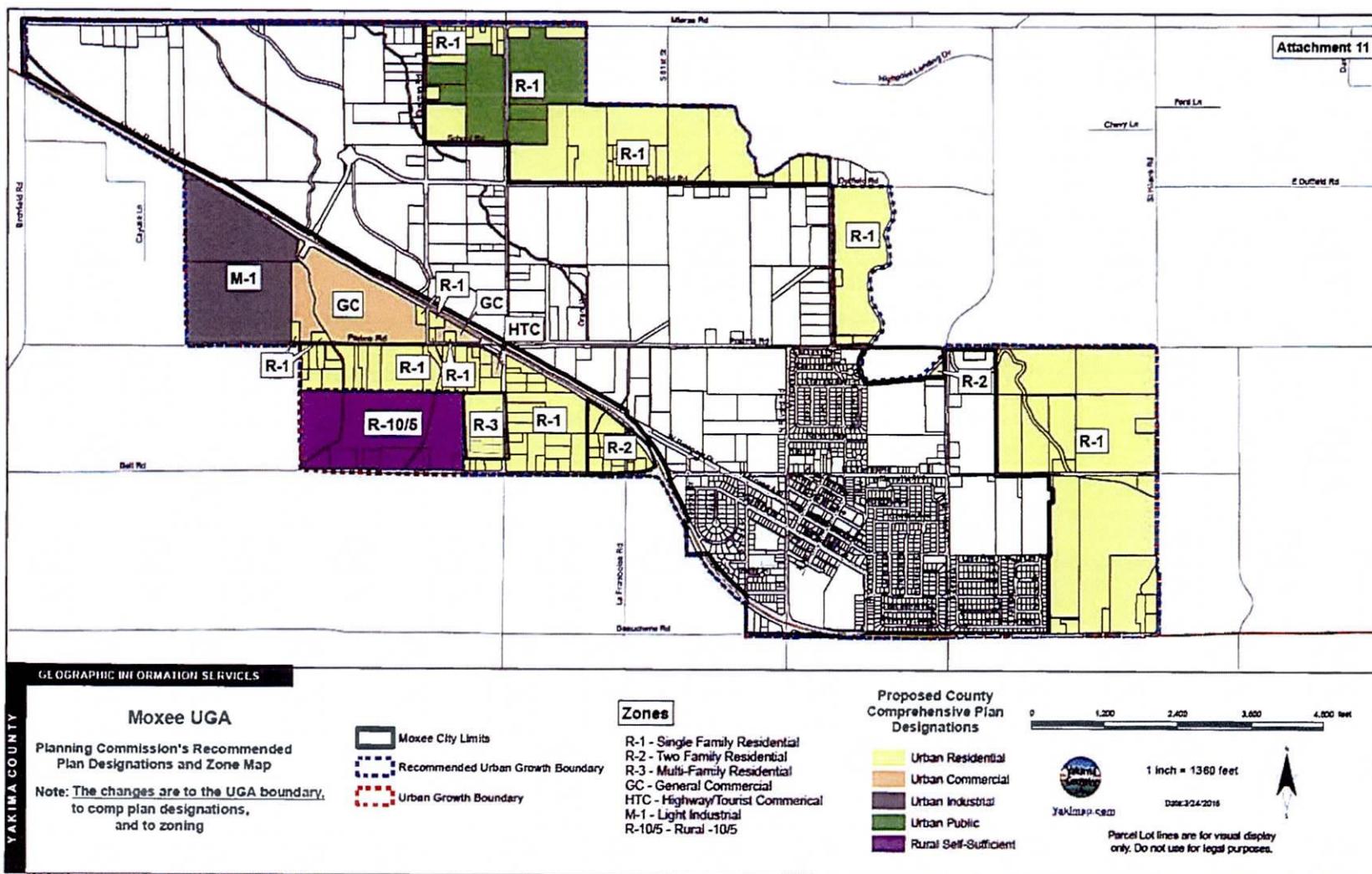


Exhibit 1



City of Moxee, WA
Wetlands and Waterways

EXHIBIT C-3

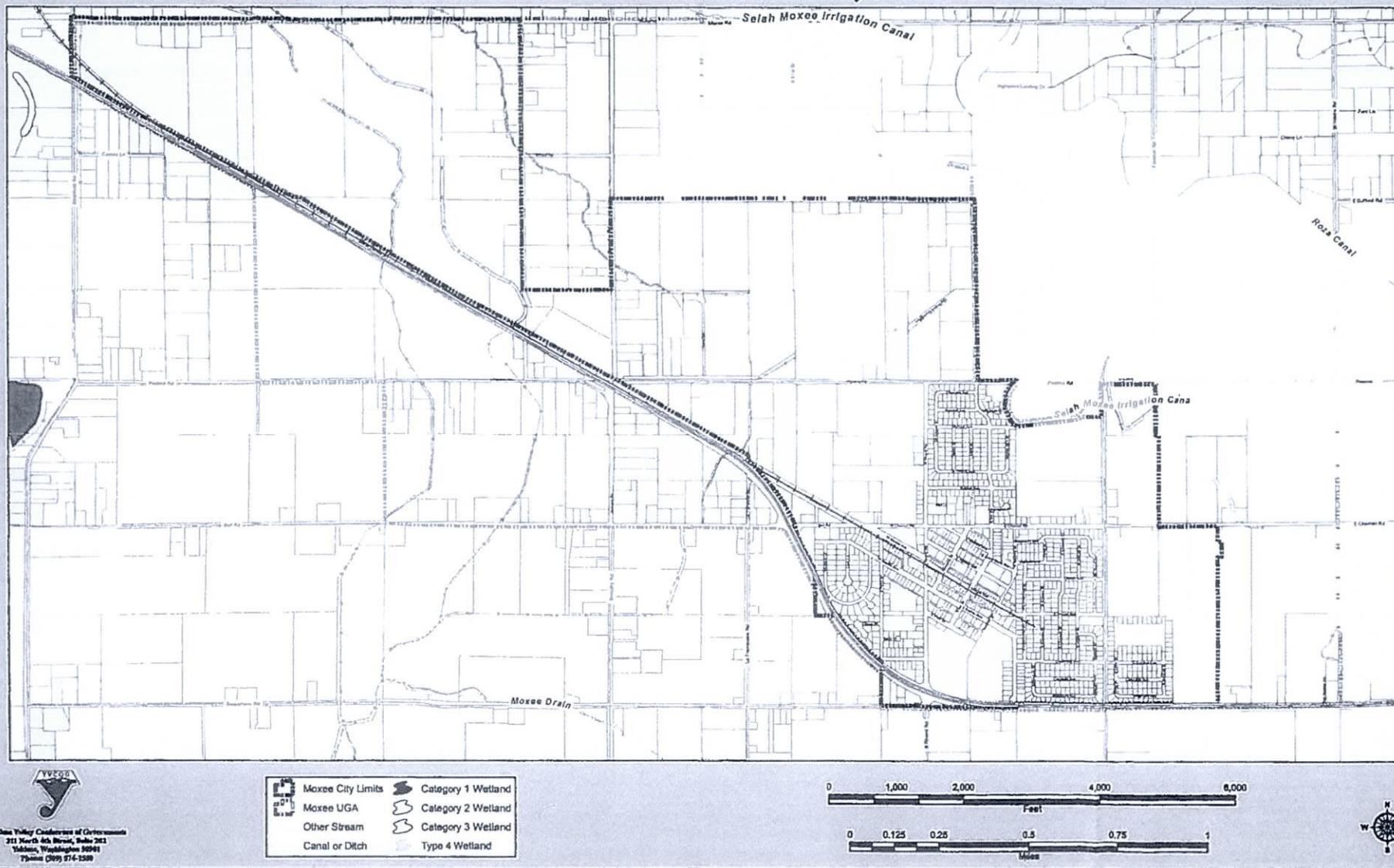
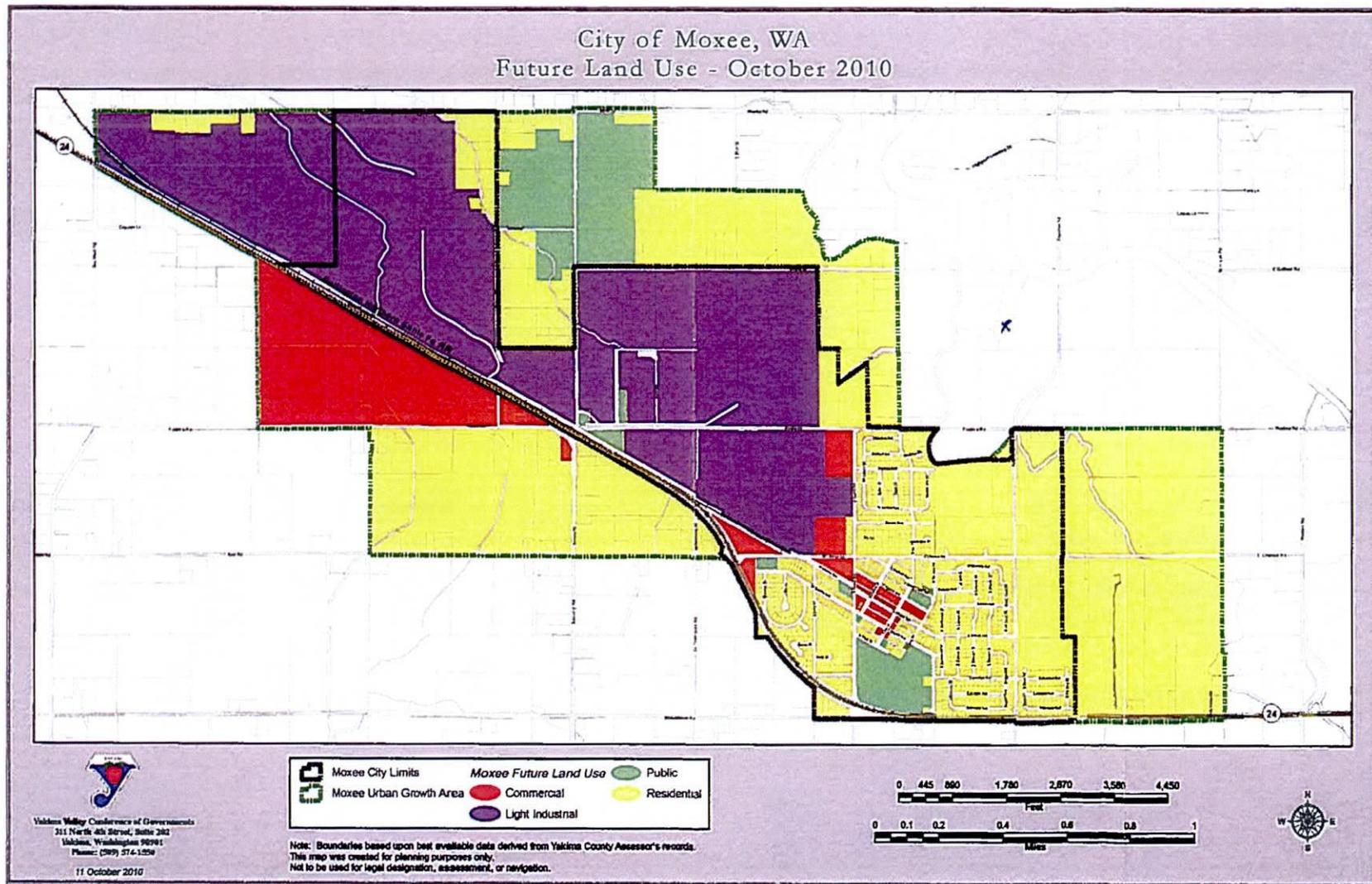


Figure 2.7. Future Land Use Map, City of Moxee UGA



2-32
City of Moxee Comprehensive Plan: Land Use Element January 13, 2011

PETITION FOR ANNEXATION
TO
THE CITY OF MOXEE, WASHINGTON

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF MOXEE,
WASHINGTON

We, the undersigned, being the owners of not less than Sixty (60%) of the assessed value of The real property herein described and lying contiguous to the City of Moxee, Washington, do hereby petition that such territory be annexed to and made a part of the City of Moxee under the provisions of Chapter 35A.14 RCW, and any amendment thereto.

The territory proposed to be annexed is within Yakima County, Washington, and the boundaries are outlined on the plat map accompanying this petition. The property is described as follows:

Parcel Number – 191336-13005, 191336-14011, 191336-14008, 191336-14404
191336-14405, 191336-14406

The City Council of the City of Moxee reviewed the letter requesting petition of annexation from the the initiating parties at a regular/special council meeting on December 8, 2016 and did determine that the City would accept the proposed annexation.

At said meeting the City Council did determine that:

1. It would accept the area as described above;
2. It would require the simultaneous adoption of zoning regulations consistent with the City Comprehensive Plan for the area contiguous to the area to be annexed;
3. The proposed zoning of this area is R-1 Single Family Residential;
4. It would require the pro rata assumption of all existing City indebtedness by the area proposed.

Wherefore, the undersigned petition the City Council and ask:

1. That appropriate action be taken to fix the time and date for a public hearing on this petition; cause notice to be published and posted as required by RCW 35A.14.130, specifying the time and place of such hearing; and inviting all interested persons to appear and voice approval or disapproval of such annexation; and
2. That following said hearings, and subsequent to approval of the Yakima County Boundary Review Board if such is convened, the City Council determine by ordinance that such annexation shall be made, annexing the above described territory, and declaring the date whereon such annexation shall be effective; and that property so annexed shall become a part of the City of Moxee, Washington, subject to its laws and ordinances then and thereafter in force.

The petitioners subscribing hereto agree that all property within the territory hereby sought to be annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Moxee, to pay for the portion of any then outstanding indebtedness of the City, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation.

This page may be one of a number of identical pages forming one petition seeking the annexation of territory of the City of Moxee, Washington as above stated, and may be filed with other pages containing additional signatures. The undersigned has read the above (or attached text and prayer of the petition) and consents to the filing of other pages hereof to be considered as a part of this petition.

(Names of the petitioners should be in identical form as the same appear of record in the chain of title to the real estate. Use ink or indelible pencil.)

1. Property Owner Name: YVONNE DORAIS
Owner's Address: 8511 DUFFIELD RD, MOXEE, WA 98936
Tax Parcel Number: 191336-13005
Parcel Size: 18.99 Acres
Legal Description: TH PTN E1/2 SW1/4 NE1/4 & TH PTN SE1/4NE1/4 LY S'LY & W'LY OF SELAH-MOXEECANAL EX E 11866.9 FT
Signature of Petitioner: Yvonne Dorais Date 3/20/17

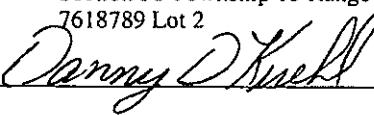
2. Property Owner Name: YVONNE DORAIS
Owner's Address: 8511 DUFFIELD RD, MOXEE, WA 98936
Tax Parcel Number: 191336-14011
Parcel Size: .76 Acres
Legal Description: W 250 FT OF E 1186.9 FT OF TH PTN SE1/4 NE1/4 LY S OF SELAH-MOXEE CANAL EXTH PTN LY W'LY OF FOL DESC LN: BEG ATPT ON E-W CEN LN SD SEC,SITUATE 1186.9FT W OF E1/4 COR, TH N 140 FT TO S'LYR/W LN OF SELAH-MOXEE CANAL & TERM SDLN & EX R/W CO RD
Signature of Petitioner: Yvonne Dorais Date 3/20/17

3. Property Owner Name: JAMES P & ELLEN ROY
Owner's Address: 8740 MIERAS RD, MOXEE, WA
Tax Parcel Number: 191336-14008
Parcel Size: 1.87 Acres
Legal Description: TH PTN OF E 936.9 FT OF S1/2 SE1/4NE1/4 LY S'LY OF R/W OF SELAH-MOXEECANAL EX SE1/4 SE1/4 NE1/4 EX CO RDR/W
Signature of Petitioner: James P. Roy Date 3-30-2017
Signature of Petitioner: Ellen Roy Date 3-30-17

4. Property Owner Name: ROBERT J KUEHL
Owner's Address: 8801 DUFFIELD RD, MOXEE, WA 98936
Tax Parcel Number: 191336-14404
Parcel Size: 2.34 Acres
Legal Description: Section 36 Township 13 Range 19 Quarter NE: SP
7618789 Lot 1

Signature of Petitioner: _____ Date _____

5. Property Owner Name: DANNY D KUEHL TRUST
Owner's Address: 8703 DUFFIELD RD, MOXEE, WA 98936
Tax Parcel Number: 191336-14405
Parcel Size: 2.35 Acres
Legal Description: Section 36 Township 13 Range 19 Quarter NE: SP
7618789 Lot 2

Signature of Petitioner:  Date 3/20/2017

6. Property Owner Name: ROBERT J KUEHL
Owner's Address: 8801 DUFFIELD RD, MOXEE, WA 98936
Tax Parcel Number: 191336-14406
Parcel Size: 2.4 Acres
Legal Description: Section 36 Township 13 Range 19 Quarter NE: SP
7618789 Lot 3 2002 FLEETWOOD 68X28 SER#
ORFL148A28430HI13

Signature of Petitioner: _____ Date _____

WARNING

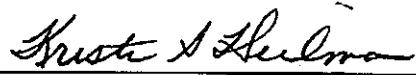
Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he is not a legal voter, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor. (RCW 35A.01.040)

CITY OF MOXEE
CLERK'S CERTIFICATION

I, the undersigned, the duly chosen, qualified and acting Clerk of the City of Moxee, Washington and keeper of the records of the Council of the City, (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Petition for Annexation (herein called the "Petition"), is a true and correct copy of a Petition to the City filed by Yvonne Dorais and adjacent property owners, and duly recorded in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Moxee, Washington, this 19th day of April 2017.



Kristi Heilman, City Clerk/Treasurer

EXHIBIT D-4

CITY OF MOXEE
DETERMINATION OF SUFFICIENCY CERTIFICATE
PETITION FOR ANNEXATION

Petition by: **Yvonne Dorais**

Description/Location: **Parcel Numbers 191336-13005, 191336-14011, 191336-14008,
191336-14404, 191336-14405 and 191336-14406**

Petition filed on: **March 30, 2017** Received by: **Kristi Heilman, City Clerk/Treas.**

The City Council may consider a legally sufficient petition and fix a date for a Public Hearing and provide notice therefore.

I have reviewed the attached Petition for annexation, and found that:

1. It includes a concise statement of the action or relief sought by the petitioners;
2. It includes an accurate legal description of the proposed area;
3. It is accompanied by a plat map that outlines the boundaries of the property to be annexed;
4. It reflects the required assumption of all or any portion of City indebtedness;
5. It reflects the proposed zoning regulations for the area to be annexed;
6. It includes valid signatures* and the warning statement required by RCW 35A.01.040.

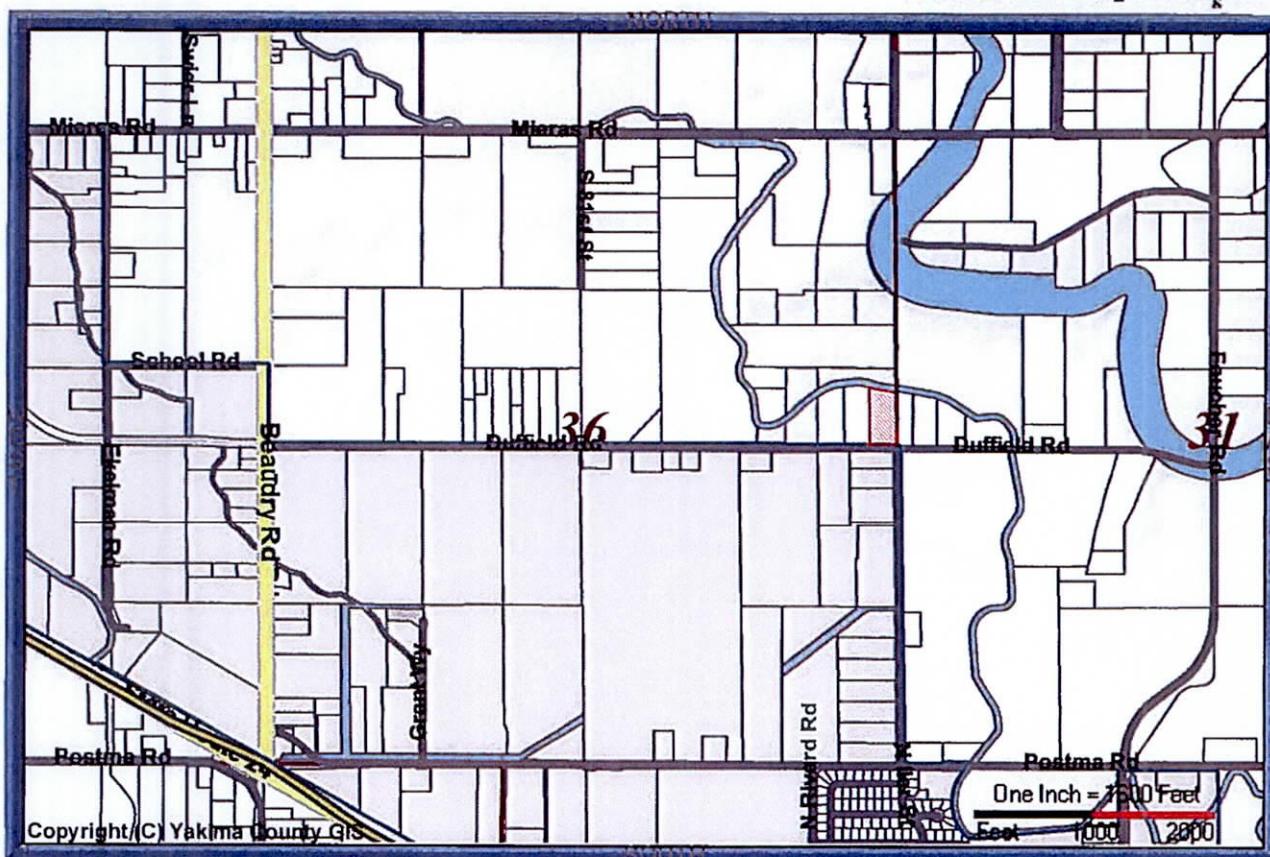
I hereby certify Sufficiency of the Petition, as required by RCW 35A.01.040 – SSB-5409.

Sufficiency Certified by:

Name: Kristi A Heilman Title: City Clerk-Treas Date: 4-19-2017

* All signatures, including the original of a person who has signed two (2) or more times shall be stricken from the petition. Signatures dates more than six (6) months prior to the filing date shall be stricken.

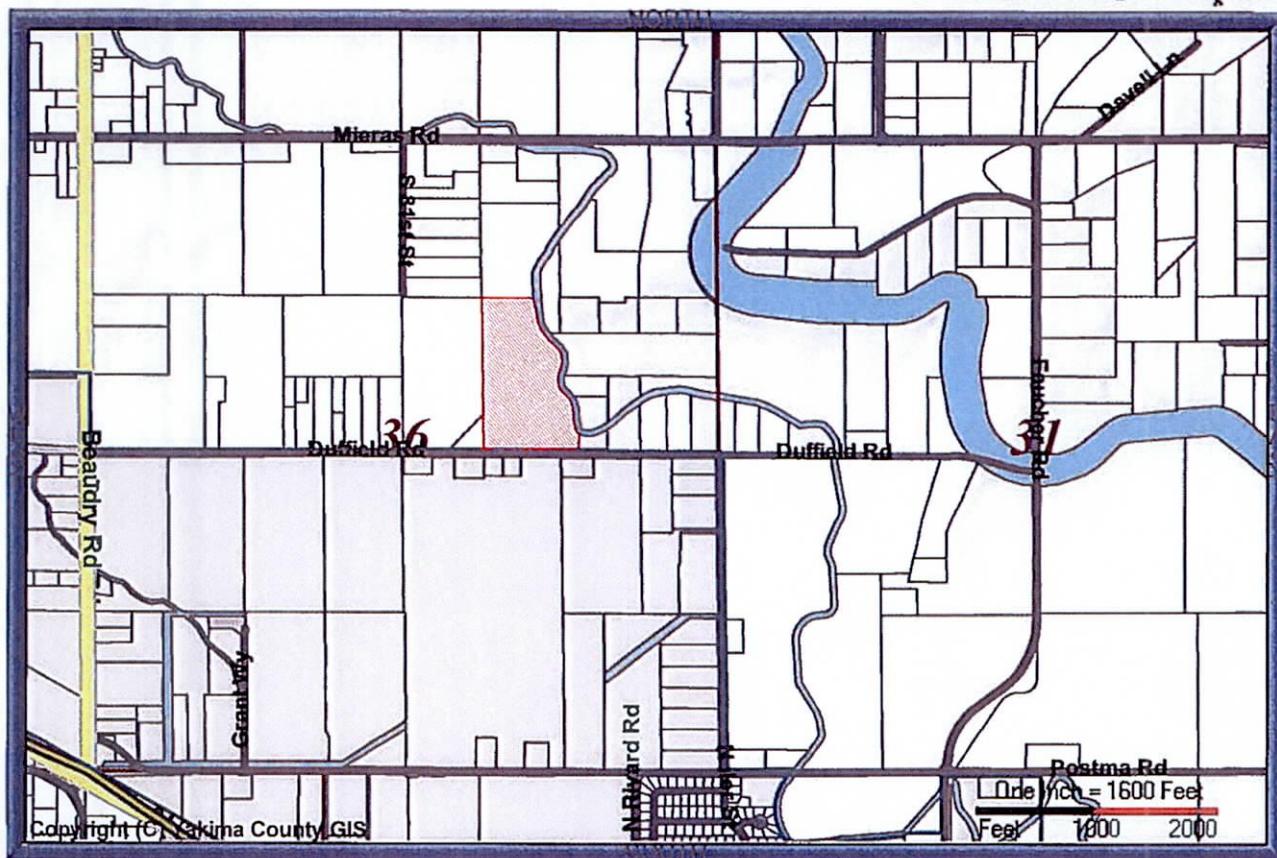
EXHIBIT 0-5

[\[Print Map\]](#) [\[Close Map\]](#)**Yakimap.com**

PROPERTY PHOTO		PROPERTY INFORMATION			
		Parcel Address: 8801 DUFFIELD RD, MOXEE ,WA 98936 Parcel Owner(s): ROBERT J KUEHL Parcel Number: 19133614406 Parcel Size: 2.4 Acre(s) Property Use: 11 Single Unit			
		TAX AND ASSESSMENT INFORMATION			
Tax Code Area (TCA): 385 Tax Year: 2017 Improvement Value: \$87200 Land Value: \$39400 CurrentUse Value: \$0 CurrentUse Improvement: \$0 New Construction:\$0 Total Assessed Value:\$126600					
OVERLAY INFORMATION					
Zoning: R-1	Jurisdiction: County				
Urban Growth Area: Moxee	Future Landuse Designation: (Yakima County Plan 2015)				
FEMA: Not in floodplain (X)	FIRM Panel Number: 53077C1060D				
LOCATION INFORMATION					
+ Latitude:46° 34' 13.737"	+ Longitude:-120° 22' 59.513"	Range:19 Township:13 Section:36			
Narrative Description: Section 36 Township 13 Range 19 Quarter NE: SP 7618789 Lot 3 2002 FLEETWOOD 68X28 SER# ORFL148A28430HI13					
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

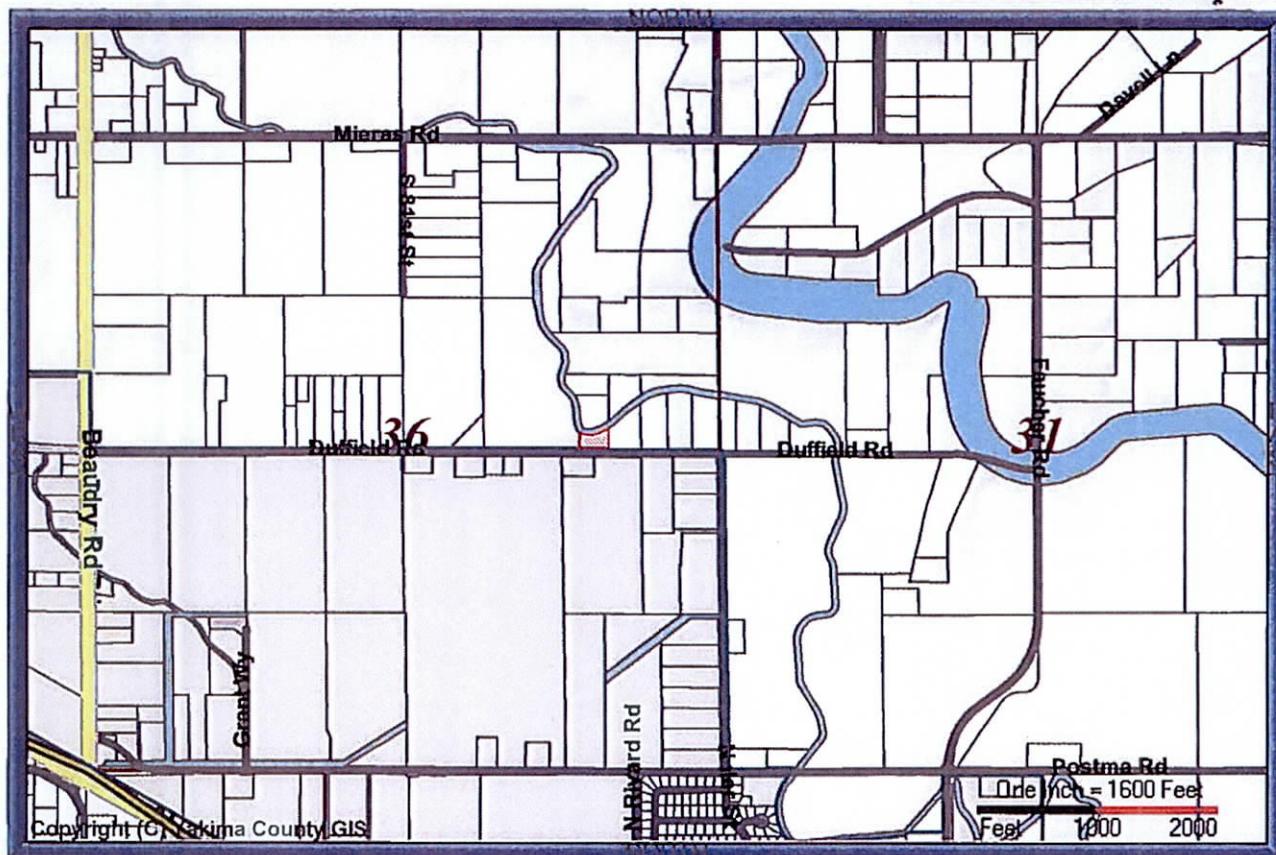
D-6

[\[Print Map\]](#)
[\[Close Map\]](#)


PROPERTY PHOTO		PROPERTY INFORMATION			
		Parcel Address: UN-ASSIGNED, ,WA Parcel Owner(s): YVONNE DORAIIS Parcel Number: 19133613005 Parcel Size: 18.99 Acre(s) Property Use: 83 Current Use Agricultural			
		TAX AND ASSESSMENT INFORMATION			
Tax Code Area (TCA): 385 Improvement Value: \$3900 CurrentUse Value: \$28440 New Construction:\$0		Tax Year: 2017 Land Value: \$284900 CurrentUse Improvement: \$60200 Total Assessed Value:\$88640			
OVERLAY INFORMATION					
Zoning: R-1	Jurisdiction: County				
Urban Growth Area: Moxee	Future Landuse Designation: UGA (Yakima County Plan 2015)				
FEMA: Not in floodplain (X)	FIRM Panel Number: 53077C1060D				
LOCATION INFORMATION					
+ Latitude: 46° 34' 17.270"	+ Longitude: -120° 23' 21.525"	Range:19 Township:13 Section:36			
Narrative Description: TH PTN E1/2 SW1/4 NE1/4 & TH PTN SE1/4NE1/4 LY S'LY & WLY OF SELAH-MOKEECANAL EX E 11866.9 FT					
DISCLAIMER					
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EXHIBIT 0-7

[\[Print Map\]](#)
[\[Close Map\]](#)

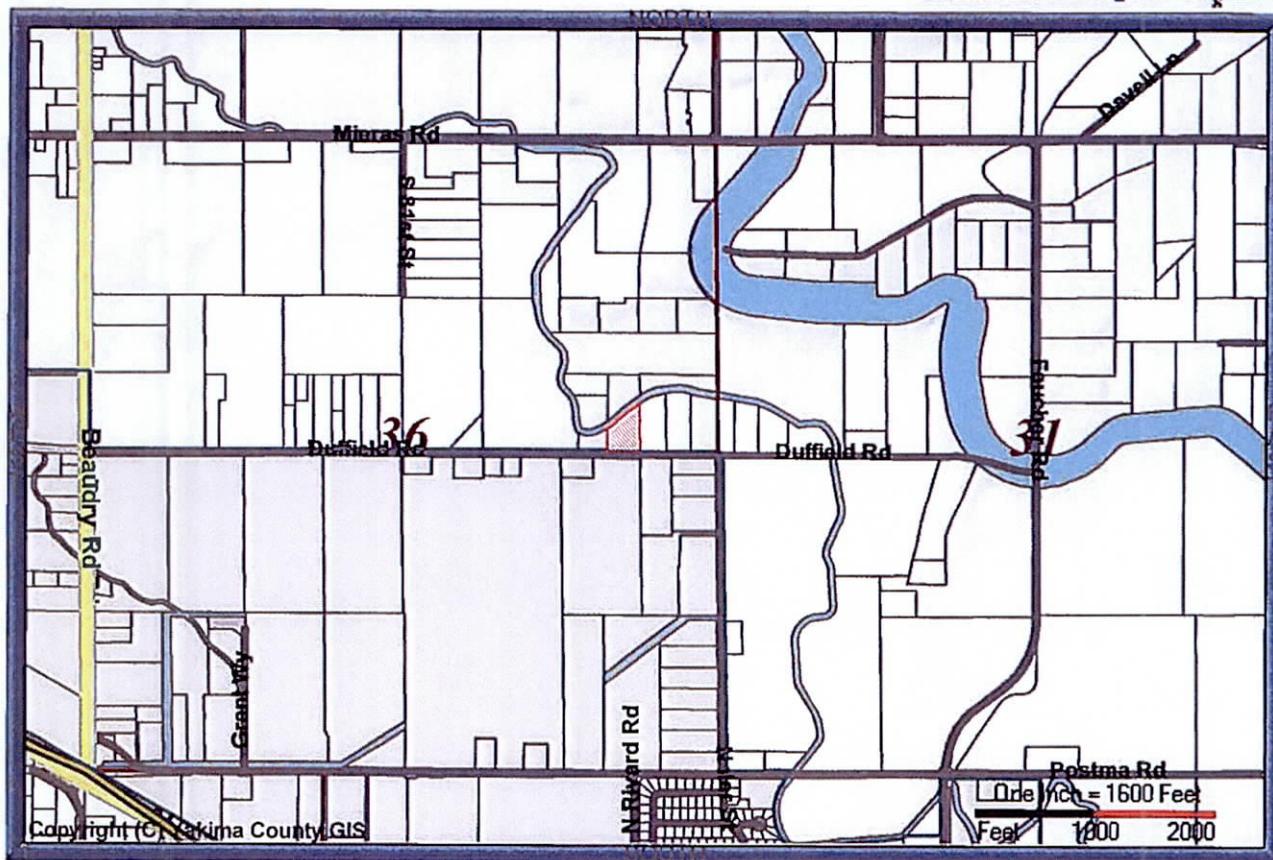


PROPERTY PHOTO		PROPERTY INFORMATION			
		Parcel Address: 8511 DUFFIELD RD, WA Parcel Owner(s): YVONNE DORAI Parcel Number: 19133614011 Property Use: 11 Single Unit			
		Parcel Size: 0.76 Acre(s)			
TAX AND ASSESSMENT INFORMATION					
Tax Code Area (TCA): 385 Improvement Value: \$76300 CurrentUse Value: \$0 New Construction:\$0		Tax Year: 2017 Land Value: \$32800 CurrentUse Improvement: \$0 Total Assessed Value:\$109100			
OVERLAY INFORMATION					
Zoning: R-1	Jurisdiction: County				
Urban Growth Area: Moxee	Future Landuse Designation: UGA (Yakima County Plan 2015)				
FEMA: Not in floodplain (X)	FIRM Panel Number: 53077C1060D				
LOCATION INFORMATION					
+ Latitude: 46° 34' 12.285"	+ Longitude: -120° 23' 12.876"	Range:19 Township:13 Section:36			
Narrative Description: W 250 FT OF E 1186.9 FT OF TH PTN SE1/4 NE1/4 LY S OF SELAH-MOXEE CANAL EXTH PTN LY WLY OF FOL DESC LN: BEG ATPT ON E-W CEN LN SD SEC,SITUATE 1186.9FT W OF E1/4 COR, TH N 140 FT TO SLYR/W LN OF SELAH-MOXEE CANAL & TERM SDLN & EX R/W CO RD					
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

0-8

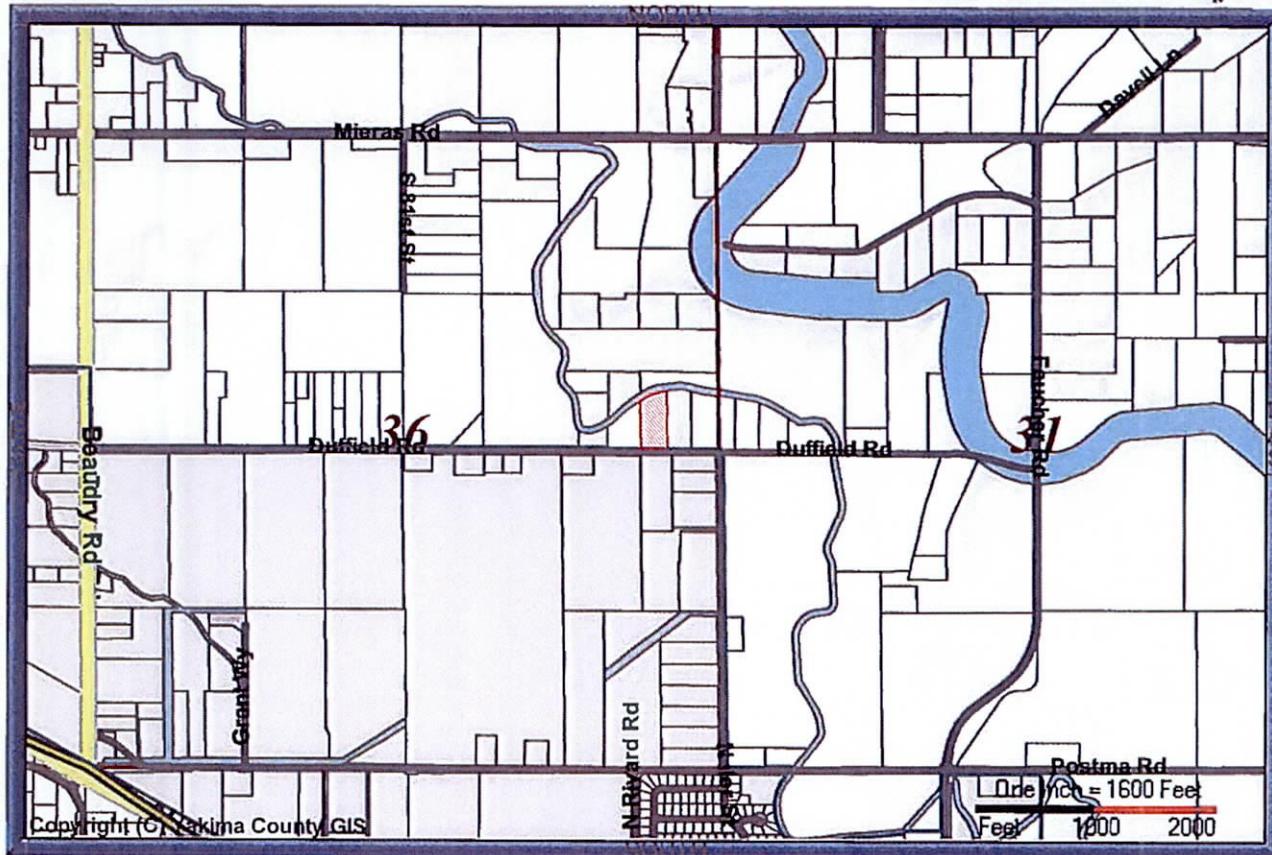
[\[Print Map\]](#)
[\[Close Map\]](#)



PROPERTY PHOTO		PROPERTY INFORMATION			
		Parcel Address: 8607 DUFFIELD RD, MOXEE ,WA 98937 Parcel Owner(s): JAMES P & ELLEN ROY Parcel Number: 19133614008 Parcel Size: 1.87 Acre(s) Property Use: 91 Undeveloped Land			
		TAX AND ASSESSMENT INFORMATION			
300000-07562 1204 #01 LOCATED ON 191336-14008	Tax Code Area (TCA): 385	Tax Year: 2017			
	Improvement Value: \$0	Land Value: \$32200			
	CurrentUse Value: \$0	CurrentUse Improvement: \$0			
	New Construction:\$0	Total Assessed Value:\$32200			
	OVERLAY INFORMATION				
Zoning: R-1	Jurisdiction: County				
Urban Growth Area: Moxee	Future Landuse Designation: UGA (Yakima County Plan 2015)				
FEMA: Not in floodplain (X)	FIRM Panel Number: 53077C1060D				
LOCATION INFORMATION					
+ Latitude: 46° 34' 13.027"	+ Longitude: -120° 23' 09.052"	Range:19 Township:13 Section:36			
Narrative Description: TH PTN OF E 936.9 FT OF S1/2 SE1/4NE1/4 LY S'LY OF R/W OF SELAH-MOKEECANAL EX SE1/4 NE1/4 EX CO RDR/W					
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					

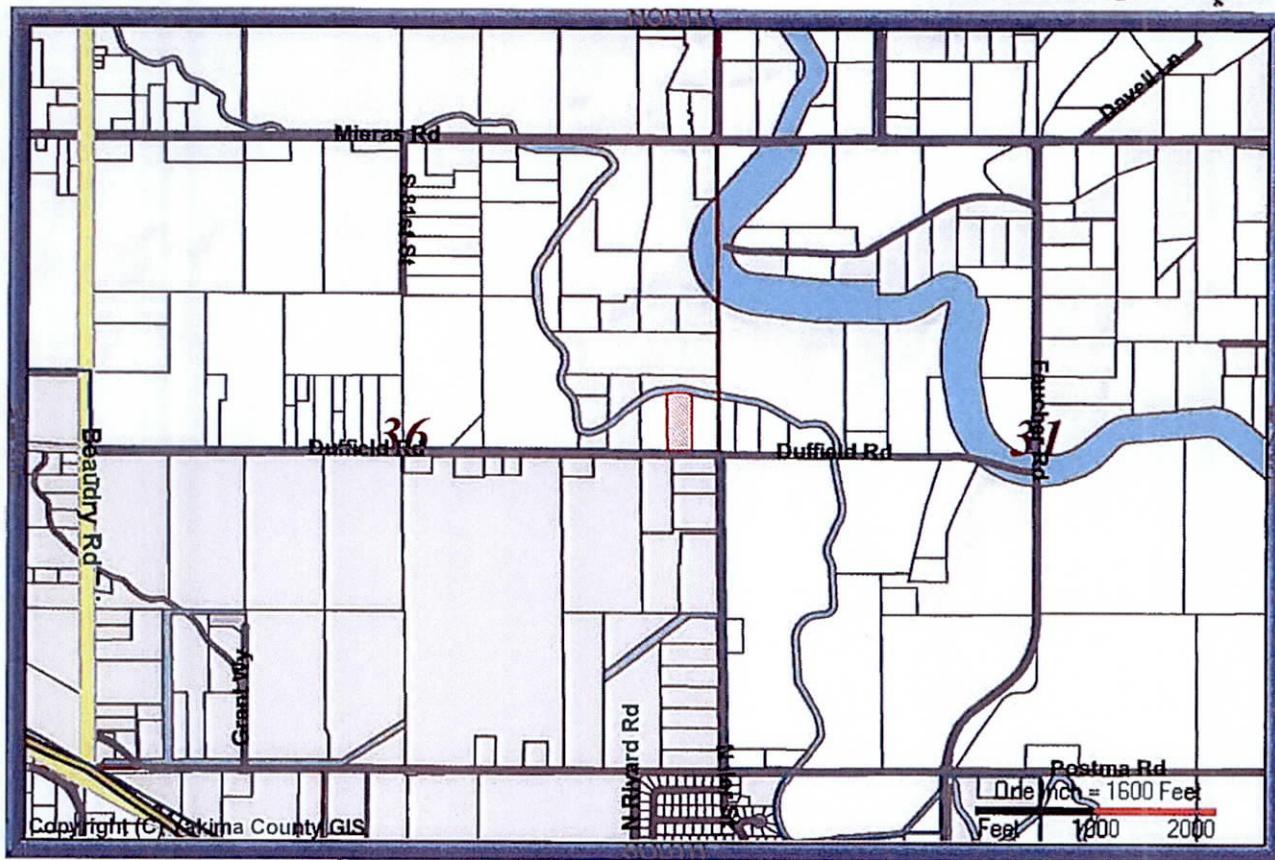
EXHIBIT

D-9

[\[Print Map\]](#) [\[Close Map\]](#)**Yakimap.com**

PROPERTY PHOTO		PROPERTY INFORMATION	
		Parcel Address: DUFFIELD RD, WA	
		Parcel Owner(s): ROBERT J KUEHL	
		Parcel Number: 19133614404	Parcel Size: 2.34 Acre(s)
Property Use: 91 Undeveloped Land			
TAX AND ASSESSMENT INFORMATION			
Tax Code Area (TCA): 385		Tax Year: 2017	
Improvement Value: \$0		Land Value: \$33600	
CurrentUse Value: \$0		CurrentUse Improvement: \$0	
New Construction:\$0		Total Assessed Value:\$33600	
OVERLAY INFORMATION			
Zoning: R-1	Jurisdiction: County		
Urban Growth Area: Moxee	Future Landuse Designation: UGA (Yakima County Plan 2015)		
FEMA: Not in floodplain (X)	FIRM Panel Number: 53077C1060D		
LOCATION INFORMATION			
+ Latitude: 46° 34' 13.733"	+ Longitude: -120° 23' 05.680"	Range: 19	Township: 13 Section: 36
Narrative Description: Section 36 Township 13 Range 19 Quarter NE: SP 7618789 Lot 1			
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			

EXHIBITD-10

[\[Print Map\]](#) [\[Close Map\]](#)**Yakimap.com**

PROPERTY PHOTO		PROPERTY INFORMATION	
		Parcel Address: 8703 DUFFIELD RD, MOXEE ,WA 98936	
Parcel Owner(s): DANNY D KUEHL TRUST			
Parcel Number: 19133614405		Parcel Size: 2.35 Acre(s)	
Property Use: 11 Single Unit			
TAX AND ASSESSMENT INFORMATION			
Tax Code Area (TCA): 385		Tax Year: 2017	
Improvement Value: \$171500		Land Value: \$39400	
CurrentUse Value: \$0		CurrentUse Improvement: \$0	
New Construction:\$0		Total Assessed Value:\$210900	
OVERLAY INFORMATION			
Zoning: R-1	Jurisdiction: County		
Urban Growth Area: Moxee	Future Landuse Designation: UGA (Yakima County Plan 2015)		
FEMA: Not in floodplain (X)	FIRM Panel Number: 53077C1060D		
LOCATION INFORMATION			
+ Latitude:46° 34' 13.916"	+ Longitude:-120° 23' 02.632"	Range:19	Township:13 Section:36
Narrative Description: Section 36 Township 13 Range 19 Quarter NE: SP 7618789 Lot 2			
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 D-11

CITY OF MOXEE
NOTICE OF PUBLIC HEARING

A Public Hearing will be held in the Moxee City Council Chambers at 255 West Seattle Avenue on Thursday, May 11, 2017 at 7:00 P.M. to consider an annexation petition filed by Yvonne Dorais and adjacent property owners to annex approximately 29 acres lying east of the existing City limits. The property is located on the north side Duffield Road. All persons are invited to appear and voice approval or disapproval on the above described petition for annexation. For more information on the upcoming hearing or to request special accommodations, residents should contact Byron Adams at 575-8851. If you are unable to attend this public hearing written comments will be received until 5:00 P.M. the day of the hearing.

Please publish one time on April 26, 2017

EXHIBIT D-12

AFFIDAVIT OF POSTING

I, Doug Mulhair, being first duly sworn, and as an employee of the City of Moxee, I posted a Public Hearing Notice in three locations in the area of the proposed annexation. The notice is to consider an annexation petition filed by Yvonne Dorais and adjacent property owners, to annex approximately 29 acres into the existing City limits, a true and correct copy of which is enclosed here-with; that said Notice was posted and published on the 26th day of April, 2017.

That I posted said notices in the manner herein set forth and that all of the statements are made herein are just and true. Dated this 26th day of April, 2017.

Doug Mulholland
Doug Mulholland

EXHIBIT 0-13

YAKIMA HERALD-REPUBLIC

Affidavit of Publication

STATE OF WASHINGTON,)

)

COUNTY OF YAKIMA)

)

Danielle Rogers, being first duly sworn on oath deposes and says that she/he is the Accounting clerk of Yakima Herald-Republic, Inc., a daily newspaper. Said newspaper is a legal newspaper approved by the Superior Court of the State of Washington for Yakima County under an order made and entered on the 13th day of February, 1968, and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continually as a daily newspaper in Yakima, Yakima County, Washington. Said newspaper is now and has been during all of said time printed in an office maintained at the aforesaid place of publication of said newspaper.

That the annexed is a true copy of a:

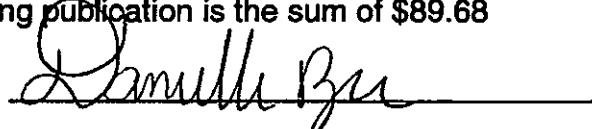
CITY OF MOXEE NOTICE OF PUBLIC HEARI

it was published in regular issues (and not in supplement form) of said newspaper once each day and for a period of 1 times, the first insertion being on 04/26/2017 and the last insertion being on 04/26/2017

Yakima Herald-Republic 04/26/17

YakimaHerald.com 04/26/17

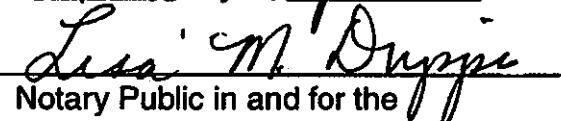
and the such newspaper was regularly distributed to its subscribers during all of the said period. That the full amount of the fee charged for the foregoing publication is the sum of \$89.68



Accounting Clerk



Sworn to before me this 26th day of April 2017



Lisa M. Driggs
Notary Public in and for the
State of Washington,
residing at Yakima

EXHIBIT 0-14

**CITY OF MOXEE
NOTICE OF PUBLIC
HEARING**

A Public Hearing will be held in the Moxee City Council Chambers at 255 West Seattle Avenue on Thursday, May 11, 2017 at 7:00 P.M. to consider an annexation petition filed by Yvonne Dorais and adjacent property owners to annex approximately 29 acres lying north of the existing City limits. The property is located east of Beaudry Road, north of Postma Road and south of Mieras Road. All persons are invited to appear and voice approval or disapproval on the above described petition for annexation. For more information on the upcoming hearing or to request special accommodations, residents should contact Byron Adams at 575-8851. If you are unable to attend this public hearing written comments will be received until 5:00 P.M. the day of the hearing.

(727939) April 26, 2017

EXHIBIT 0-15
Courtesy of Yakima Herald-Republic

**CITY OF MOXEE, WASHINGTON
REGULAR COUNCIL MEETING
MAY 11, 2017
COUNCIL CHAMBERS – CITY HALL**

Mayor LaBree opened the Regular Council Meeting at 7:00 PM.

Present:

Council: Mayor LaBree, Council Members: Maravell Gonsioroski, LeRoy Lenseigne, Tom Hattrup and Larry Frank
Staff: Byron Adams, City Supervisor, Kristi Heilman, City Clerk-Treasurer and Mike Kisner, Chief of Police
Absent: None
Guests: Dennis Pierce

1. APPROVAL OF MINUTES FROM APRIL 27, 2017 CITY COUNCIL MEETING

Mayor LaBree asked if there were any corrections, additions or omissions to the minutes of April 27, 2017. There were none.

ACTION NO. 1 Council member Frank made a motion to accept the minutes as prepared. Council member Lenseigne seconded the motion. The motion carried.

2. REVIEW PROCEDURES AND OPTION FOR FILLING A VACANCY ON THE CITY COUNCIL

City Supervisor Adams noted that there are a couple of options for filling Council member Roy's vacant position. If the vacated position on the Council has not been filled within 90 days, Yakima County Commissioners have the option to appoint someone to the position, an ad can be placed in the newspaper seeking applications for the open position on the Council or the Council can appoint someone of their choosing so long as the person meets the criteria to be eligible to serve on the Council. Whomever the Council chooses to fill the vacant seat, the appointed position is only eligible to serve until the term ends for that position which in this case is December 2017. The vacant seat is up for election in November, 2017. The Council agreed that they wanted to place an ad for the position in the Yakima Herald Republic.

3. PUBLIC HEARING TO RECEIVE COMMENTS REGARDING A PETITION TO ANNEX 29 ACRES OF PROPERTY INTO THE CORPORATE CITY LIMITS OF MOXEE. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF DUFFIELD RD APPROXIMATELY $\frac{3}{4}$ OF A MILE EAST OF BEAUDRY RD

Mayor LaBree opened the public hearing at 7:06 PM for comments. City Supervisor Adams noted that last year the Council received a letter from Yvonne Dorais requesting to be annexed into the City. At that time, the Council established the boundaries of the proposed annexation. The City has received the annexation petition with 73% participation of the property owners. The City Clerk-Treasurer has determined the petition as sufficient. The property has been posted and this public hearing is to hear any comments from the public. The next step will be to pass a Resolution declaring the City's intent to annex the property in to the City limits and then to present the Notice of Intent to the Boundary Review Board for a review process that will take 45 days. If the Boundary Review Board does not invoke jurisdiction the annexation will be approved. Mayor LaBree asked for any comment from the public, there was none. There was no comment from the Council. Mayor LaBree closed the public hearing at 7:09.

4. RESOLUTION 2017-08 A RESOLUTION DECLARING THE CITY'S INTENT TO ANNEX REAL PROPERTY IN TO THE CITY LIMITS.

Mayor LaBree read Resolution 2017-08, a Resolution declaring the City's intent to annex real property in to the City limits.

ACTION NO. 2 Council member Gonsioroski made a motion to pass and adopt Resolution 2017-08, a Resolution declaring the City's intent to annex real property in to the City limits. Council member Hattrup seconded the motion. The motion carried.

5. REVIEW BID RESULTS FOR THE YAKIMA AVENUE AND HOLLY DRIVE SIDEWALK IMPROVEMENT PROJECT

City Supervisor Adams read a letter to the City from HLA Engineering regarding the results of the bid opening held on May 4, 2017. A total of 2 bids received with the low bid of \$126,311.00 being offered by Bestebreuer Bros Construction of Sunnyside, WA. Reclaim Company of Yakima, WA. This low bid is approximately 47 percent above the Engineer's Estimate of \$85,650.00. Adams suggested two options regarding the bids, reject both bids and go out to bid a second time or award a construction contract to Bestebreuer Bros. Construction, Inc in the amount of \$76,957.00 for Schedule A only due to lack of available funding and City budget constraints. The Council was in agreement to send the project out for a rebid.

ACTION NO. 3 Council member Lenseigne made a motion to seek a new bid for the Yakima Avenue and Holly Drive Sidewalk Improvement Project. Council member Hattrup seconded the motion. The motion carried.

6. REVIEW A REQUEST TO PURCHASE A PORTION OF CITY OWNED PROPERTY LOCATED AT 7525 POSTMA

City Supervisor Adams stated that Far West Fabricator's is requesting to purchase 250 feet of City property located at 7525 Postma Road. The Council requested that Adams counter Far West's request by reducing it to 150 feet. The Council agreed they would sell the north 150 feet to Far West for \$50,000.

ACTION NO. 4 Council member Lenseigne made a motion to sell a portion of City property to C'est Si Bon C LLC for \$50,000. Council member Gonsioroski seconded the motion. The motion carried.

7. REVIEW YEAR TO DATE REVENUE AND EXPENDITURES.

The Council was presented with a spreadsheet showing the year to date revenues and expenditures through April 30, 2017. Adams reviewed each of the funds beginning and ending fund balances as well as year to date revenues and expenditures. The Council was pleased with the figures.

**EXECUTIVE SESSION TO REVIEW A REAL ESTATE OFFER TO PURCHASE
RCW 42.30.110(C) FOR APPROXIMATELY 15 MINUTES**

At 7:35 Mayor LaBree announced to the public that the Council was going to enter into an executive session to review a real estate offer to purchase as per RCW 42.30.110 (c). for approximately 15 minutes. The public was asked to leave the Council chambers at that time and the doors were closed.

At 7:43 the Council doors were reopened and the public was invited back into the Council chambers at which time the regular council meeting resumed.

8. APPROVE ACCOUNTS PAYABLE & PAYROLL CHECKS AS IDENTIFIED ON THE CLERK'S JOURNAL

Mayor LaBree asked for a motion to approve Claims Check Numbers: 32628-32678 plus any direct deposits for the amount of \$332,620.15 dated May 11, 2017 and number 6552 in the amount of \$14.75 dated 5/3/2017. Payroll Check Number 27406 plus any direct deposits in the amount of \$904.60 dated May 3, 2017.

ACTION NO. 5 Council member Gonsioroski made a motion to approve the above-mentioned checks. Council member Frank seconded the motion. The motion carried.

OTHER BUSINESS

Council Meeting Date Change for July

Mayor LaBree asked to change the Regular Scheduled Council meeting in July from July 13th to July 20th. The Council agreed to the date change.

ACTION NO. 6 Council member Gonsioroski made a motion to change the July's Regular Council meeting date from July 13th to July 20th. Council member Hattrup seconded the motion. The motion carried.

OLD BUSINESS:

Marijuana Retail Sales:

Council member Lenseigne asked about the progress of allowing marijuana retail sales inside Moxee City limits. City Supervisor Adams noted that he has not yet drafted an Ordinance allowing retail sales of marijuana for Council's review. He also noted that currently there are not any commercially zoned sites available that would qualify with the state's current regulations in regards to distances allowed from schools, libraries or daycares. Orgrow might be allowed to add a retail addition to their growing operation as an accessory use in the Light Industrial /Manufacturing zone.

ADJOURNMENT

ACTION NO. 7 Council member Lenseigne made a motion to adjourn the Regular Council meeting at 7:49 PM. Council member Hattrup seconded the motion. The motion carried.

ATTEST:

Kristi S. Helm
CITY CLERK-TREASURER

Troy LaBree
MAYOR LABREE

Larry Frank
LARRY FRANK

MARAVELL GONSIOROSKI

Leroy Lenseigne
LEROY LENSEIGNE

Tom Hattrup
TOM HATTRUP

CITY OF MOXEE
CLERK'S CERTIFICATION

I, the undersigned, the duly chosen, qualified and acting Clerk of the City of Moxee, Washington and keeper of the records of the Council of the City, DO HEREBY CERTIFY:

1. That the attached Minutes are true and correct copy of the Minutes of May 11, 2017 and are duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with law, and, to the extent required by law, due and proper notice of such meeting was given; that a quorum was present through out the meeting and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Moxee, Washington, this 9th day of June 2017.

CITY OF MOXEE

Kristi S. Heilman

Kristi Heilman
City Clerk/Treasurer



EXHIBIT D-19

**CITY OF MOXEE
RESOLUTION 2017-08**

A RESOLUTION OF INTENT TO ANNEX REAL PROPERTY IN THE CITY LIMITS

WHEREAS, A petition for Annexation on behalf of Yvonne Dorais and adjacent property owners was filed with the City Council requesting that the property described on the attached petition be annexed into the City of Moxee, and

WHEREAS, the City of Moxee has determined the petition to be sufficient to proceed with the Annexation process and hold a public hearing, and

WHEREAS, The City Council of the City of Moxee has determined that, subject to review and approval by the Yakima County Boundary Review Board, such annexation should be made.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOXEE
as follows:

The above described property shall be annexed into the City of Moxee corporate boundaries and thereupon will assume City zoning as R1 Single Family Residential as identified on City of Moxee Zoning Map, subject to approval by the Yakima County Boundary Review Board to be effective upon passage of an Ordinance approving same, and conditioned upon said property being assessed and taxed at the same rate and the same basis as the other property within the City of Moxee. Provided it would also require the prorata assumption of all City indebtedness which in indebtedness has been approved by the voters, contracted for, or incurred prior to completion of the annexation process.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
MOXEE, WASHINGTON** To declare their intent to annex the above described property into the incorporated City limits of Moxee, Washington.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOXEE, WASHINGTON this 11th day of May 2017.

ATTEST:

Kurt S. Nelson
CITY CLERK-TREASURER

Tom La Rue
MAYOR

CITY OF MOXEE
CLERK'S CERTIFICATION

I, the undersigned, the duly chosen, qualified and acting Clerk of the City of Moxee, Washington and keeper of the records of the Council of the City, (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Resolution 2017-08 (herein called the "Resolution"), is a true and correct copy of a Resolution of the City, as finally passed at a meeting of the Council held on the 11th day of May, 2017, and duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with law, and, to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for passage of the Resolution; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Moxee, Washington, this 12th day of May 2017.

Kristi Heilman
Kristi Heilman, City Clerk/Treasurer

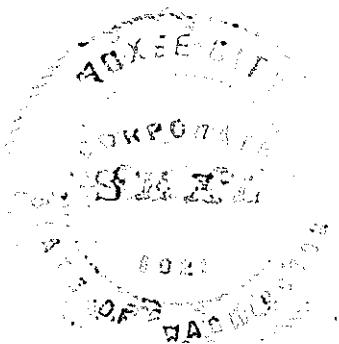


EXHIBIT 0-21

MASTER INTERLOCAL AGREEMENT
FOR GROWTH MANAGEMENT ACT IMPLEMENTATION
IN YAKIMA COUNTY

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I. PREAMBLE

A. PURPOSE

The primary purpose of this Agreement is to provide a management structure for growth and development occurring in Urban Growth Areas (UGAs) to ensure that coordinated Growth Management Act (GMA) goals will be met. In areas that are outside of city limits but within the UGA, the County continues to have legal jurisdiction but both the County and respective City have interests. The purpose of UGA designation is to target these areas for urban growth and urban levels of services, and eventual annexation or incorporation. Consequently, the County and cities' must have coordinated visions for urban density land use in these areas with appropriate development standards to assure consistency with the GMA. This Agreement is intended to meet the objectives of the GMA, set out processes for coordination of planning, provide public improvements, and to clarify

administrative and development processes for citizens, the Cities and the County.

B. BACKGROUND

Outlined below are statute, regulation, and agreements that provide the framework for this Agreement.

1. Growth Management Act

The enactment of GMA by the Washington State Legislature in 1990 fundamentally changed the way comprehensive land use planning is carried out in the state. The GMA requires that counties and cities update their comprehensive land use plans consistent with statewide goals and to coordinate their planning efforts with each other.

2. County-wide Planning Policies (CWPPs)

To assure that this coordination is carried out, the 1991 Legislature passed companion legislation (RCW 36.70A.210) requiring counties and cities to coordinate the development of local comprehensive plans through a set of mutually developed CWPPs.

Following review and recommendation by the Cities, the CWPPs were adopted by the Board of Yakima County Commissioners in June 1993 and updated in 2003. This agreement implements the Yakima County-wide Planning Policies (CWPP) as adopted by Yakima County and its cities.

3. Urban Growth Areas

The GMA states that urban growth should first be located in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. [RCW 36.70A.110(3)]

Therefore, the CWPPs include specific policies to encourage growth in UGAs and discourage urban growth outside of these areas. Also, these policies strive for development within UGAs in a logical fashion outward from the edge of developed land in conjunction with the provision of infrastructure and urban services.

4. Provision of Services within UGAs

The GMA recognizes that, in general, the Cities are the units of government most appropriate to provide urban governmental services. RCW 36.70A.110(4). This preference does not preclude provision of services by other providers, but suggests if all factors were equal in an evaluation of potential service, the City is the preferred provider of urban governmental services.

II. AGREEMENT

A. PARTIES TO AGREEMENT

This Agreement is entered into individually between Yakima County (hereinafter referred to as the "County") and each of the following municipalities: the Cities of Grandview, Granger, Mabton, Moxee, Selah, Sunnyside, Tieton, Toppenish, Union Gap, Wapato, Yakima and Zillah, the Towns of Harrah and Naches (hereinafter referred to as the "City" or "Cities").

B. AUTHORITY

This Agreement constitutes an exercise of authority granted to the Cities and the County under Chapter 39.34 RCW, the Interlocal Cooperation Act, and Chapter 36.70A, the Growth Management Act. Copies of this Agreement and any sub-agreements shall be filed by Yakima County with the Yakima County Auditor and the Washington State Department of Commerce.

C. OBJECTIVES

The objectives of this Agreement are:

1. To implement the provisions of GMA and the CWPPs, including facilitation of urban growth within UGAs, while maintaining consistency with the County's and City's comprehensive plan.
2. To assure allowable growth and development within UGAs is clearly understood by the Cities, the County, other service providers and citizens in these areas.
3. To assure that the policies and procedures leading to such development are clearly defined.
4. To define responsibility for the provision of urban services and the level of service to be provided.
5. To assure communication among the Cities, the County and citizens as planning, growth, and development decisions are made.

6. To use decision-making processes that are consistent with the County's and City's responsibilities, and which consider the long term objectives, plans and development standards of the Cities.
7. To provide for common and joint processes of the Cities and the County to foster overall operational partnership, efficiency, and unified policy and direction.
8. To assure that public participation processes targeting property owners and residents of affected UGAs areas are undertaken as this Agreement is implemented.
9. To encourage economic development with a balanced application of the goals, policies, and strategies of the various comprehensive plans.
10. To establish the protocols and responsibilities for developing and maintaining the common system for data collection and analysis.

D. COOPERATIVE PLANNING SYSTEM

1. UGA Boundaries

The record of official UGA boundaries designated by the County pursuant to the Growth Management Act shall be maintained as a part of the future land use map in the County's adopted comprehensive plan. Copies of the official UGA boundary shall be provided to the City. Cities shall notify the County of any disparities.

The County adopts UGA boundaries consistent with the provisions of the Growth Management Act, CWPPPs, YCC Title 16B.10 and this Agreement.

2. Urban Growth Area Future Land Use Designations

To ensure consistency between future land use designations and zoning for property within unincorporated urban growth areas not covered by adopted subarea plans, the County will adopt common future land use designations for those properties and zone them accordingly. The plan designations and zoning within these areas will be determined in a coordinated effort between the County and each city as part of the scheduled County-wide UGA updates process, set forth in YCC Title 16B.10 and this Agreement. The County will ensure that land use designations and zoning for property within unincorporated urban growth areas covered under an adopted subarea plan are consistent with the applicable subarea plan.

The Cities may provide the County with pre-zoning map(s) during the County-wide UGA update process depicting the City's preferred zoning for the unincorporated portions of their respective UGA. Said pre-zoning shall be consistent with comprehensive plan land use designations. When utilized, the pre-zoning map shall serve as an indication of the City's intentions with respect to land uses in the area upon annexation, and shall be considered by the County when making revisions.

E. PLANNING IMPLEMENTATION

Since UGAs are intended to accommodate urban growth and eventually be part of cities, a mechanism is needed to assure that planning and permitting decisions of the County are generally consistent with the planning objectives and development standards of the Cities.

1. Amending Urban Growth Boundaries

Urban Growth Areas are intended to implement the planning goals of the Growth Management Act (GMA), CWPPs and the planning and land use objectives of adopted comprehensive plans by encouraging development in urban areas where adequate public facilities and services exist or as documented in each jurisdictions capital facilities plan. To implement the goals of this Agreement, all jurisdictions shall adhere to the following requirements for the review of urban growth areas and amendments to the boundaries:

a. Urban Growth Boundary Amendment Cycle

Yakima County shall conduct a county-wide UGA review according to the schedules established in YCC Title 16B.10.040 (5), or at a minimum the timeframes established under RCW 36.70A.130.. Cities may request amendments to UGA boundaries outside of the county-wide UGA review schedules listed above under the emergency amendment process allowed under RCW 36.70A.130(2)(b).

Emergency amendment requests must be made in writing to the Board of Yakima County Commissioners and if accepted, the proposed amendment will be evaluated based on the criteria and requirements under YCC 16B.10, this Agreement and the most recent LCA information and population allocations used by the County during the most recent UGA review process.

b. Population Allocations

The baseline for the twenty-year County-wide population forecasts shall be based on the State of Washington's Office of Financial Management (OFM) 20-year GMA population projections. The population forecasts will be allocated to the Cities and the unincorporated urban areas by Yakima County, as set forth in YCC 16B.10.040 and the GMA.

c. Buildable Lands Model (BLM)

The BLM allows local jurisdictions to compare anticipated growth against actual development over time to determine if there is enough suitable land inside the UGA to accommodate the growth anticipated during the remaining portion of the 20-year planning period and if jurisdictions are achieving their adopted urban densities inside urban growth areas. This process may be used by Yakima County if determined necessary.

d. Land Capacity Analysis (LCA)

The LCA is to establish an objective approach by which to determine the current supply of land and how much population and development each jurisdiction can expect to accommodate under current zoning and development regulations in the existing incorporated and unincorporated UGAs. Yakima County shall conduct the LCA, using the LCA methodology outlined in the Yakima County Comprehensive Plan Land Use Element, YCC 16B.10.095 (2), the CWPPs and this Agreement.

e. Capital Facilities Planning

Cities must submit an adopted Capital Facilities Plan that includes any capital assets that are needed to accommodate future growth within the proposed or existing urban growth area as part of any UGA update process. To determine what is needed, the levels of service (LOS) standards for transportation facilities must be identified. LOS standards on other capital facilities are strongly encouraged. This should be consistent with the 20-year planning horizon and the densities and distribution of growth identified during the UGA update process. This forecast must include those capital facilities required by RCW 36.70A that are planned to be provided within the planning period, including the general locations and anticipated capacity needed. The lack of an adopted Capital Facilities Plan

for any proposed expansion area or areas currently within an urban growth area indicates that the area is not ready for urban growth and that the proposal will be denied or the area will be removed from the UGA.

2. Amending Urban Growth Area Future Land Use Designations and Zoning Districts

a. Future Land Use Designation Amendments

Amendment requests to change future land use designations for properties located within unincorporated urban growth areas will be accepted by the County during the scheduled biennial amendment cycle, set forth in YCC 16B.10. Amendment requests by property owners and/or jurisdictions will be evaluated based on the criteria and requirements under YCC 16B.10 and this Agreement.

Future land use designations and zoning for properties located within unincorporated urban growth areas were developed as part of a coordinated effort between Yakima County and the cities during the county-wide UGA review process. Therefore, if a property owner requests a future land use designation amendment outside of the scheduled five year UGA review process Yakima County will notify the applicable city of the proposed amendment request for their recommendation. The city's recommendation will be forwarded to the Yakima County Planning Commission and to the Board of Yakima County Commissioners for consideration as part of the legislative amendment review process. Amendment requests by property owners and/or jurisdictions outside of a scheduled county-wide UGA review process will be evaluated based on the criteria and requirements under YCC 16B.10, this Agreement and the most recent LCA information and population allocations used by the County during the most recent UGA review process.

Amendments to future land use designation for property located within the unincorporated urban growth area, must refer to the applicable County Future Land Use/Zoning Consistency Table to determine whether the desired plan designation is consistent with the plan designation as shown in the County Future Land Use Consistency Table.

b. Zoning District Amendments

Property owners wishing to rezone land within the unincorporated urban growth area to a different zoning district must show that the

rezone is consistent with the applicable County Future Land Use/Zoning Consistency Table. Rezones that are contingent upon legislative approval of a comprehensive plan map amendment, as indicated in Table 19.36-1 shall be considered a major rezone and subject to the procedures and requirements set forth in subsection a. above, YCC 16B.10 and YCC 19.36.

F. INFRASTRUCTURE SERVICES AND LEVEL OF SERVICE

General Provisions for Capital Facilities Planning and Mapping - Consistency with GMA

In accordance with RCW 36.70A.070(3) and WAC 365-196-415, the Cities and the County will develop Capital Facilities Plans that cover the entire UGA. Cities shall provide the County with a copy of their most current adopted Capital Facilities Plan at least six months prior to any scheduled UGA update process. Maps of City and County utilities and transportation infrastructure not contingent to a Capital Facilities Plan amendment will be provided to the County's GIS's Department when updated, which will maintain the regional GIS database, so as to be accessible to all parties.

Opportunities for focused and targeted public investment, which directs capital improvement expenditures into specific geographic areas to produce "fully-serviced land" for development, will be encouraged. This strategy is intended to maximize the use of limited public funds by coordinating government expenditures and focusing development first in some areas, then in others. Selection of targeted investment corridors will consider and be consistent with regional priorities. Separate sub-agreements or interlocal agreements may be entered into by the affected parties to provide the details for the concepts of particular focused targeted public investment corridors.

The following provisions apply to the review and permitting process for proposed developments in unincorporated portions of Urban Growth Areas:

1. Streets

a. Responsibility

Yakima County and cities will be responsible for assuring that all streets within the UGA are constructed concurrently with development and that the impacts generated by the development on the transportation facilities within both the unincorporated and incorporated UGA are properly considered and the appropriate mitigation is required.

b. Design Standards

Yakima County will utilize the provisions of Yakima County Code Title 19 as design standards for urban development of streets, and associated structures, unless otherwise specified in a sub-agreement. It is intended that County design standards will be generally consistent with standards adopted by the City; therefore the County may modify its required design standards when a City identifies the specific standards that may apply and demonstrates that applying the City's development standards are consistent with RCW 36.70A.110(3) and the applicable Capital Facilities Plan.

c. Level of Service (LOS)

Transportation Policy – LOS

The establishment of level of service policies for streets within the urban growth area will be done cooperatively to assure that service level thresholds are agreed upon for all transportation facilities. This effort will be coordinated with the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Organization (RTPO) pursuant to RCW 47.80.023.

Performance Evaluation – LOS

The Cities and the County will monitor and review transportation LOS policies and their effect in the urban growth area and make adjustments as mutually agreed upon.

2. Water

a. Responsibility

The Cities are the preferred provider of services within the Urban Growth Areas. Responsibility for the provision of water service by a water purveyor approved by Washington State Department of Health (DOH) will be depicted on a service area map. The service area map will be maintained by the County in the regional GIS database.

Consistent with DOH regulations, the designated water purveyor shall be responsible for planning and development of water service within the 20-year planning horizon to meet the level of service standards for the land uses and populations indicated in the most recent comprehensive plan.

b. Financial and Service Policies

- (1) Water Service – It is the intent of all parties to this Agreement to require adequate water service to potential customers within the UGA consistent with the capital facilities plans.
- (2) Costs - The costs of system extension will be as enumerated in the capital facilities plan. This does not preclude programmed extensions undertaken at the initiative of the developer.
- (3) Rates - Water rates are the responsibility of the purveyor.

c. Standards

Design and construction of water systems shall, at a minimum meet DOH regulations and guidelines and the purveyor's standards. The Cities shall submit to the County any specific standards which are to be applied within their respective UGA.

3. Sewer

a. Responsibility

Sewer service is expected to be provided by cities or sewer service providers approved by the Washington State Department of Ecology (DOE) or the United States Department of Environmental Protection Agency (EPA) within boundaries of the Yakama Nation.,

Responsibility for the provision of sewer service will be depicted on a service area map in the regional GIS database maintained by the County in cooperation with the Cities and sewer service providers. Consistent with DOE, DOH and EPA regulations, the designated sewer purveyor shall be responsible for planning and development of sewer service to meet the level of service standards for the land uses and populations indicated in the most recent comprehensive plan within the 20-year planning horizon.

b. Financial and Service Policies

- (1) Sewer Service – It is the intent of all parties to this Agreement to require adequate sewer service to potential

customers within the UGA consistent with the capital facilities plans.

- (2) Costs - The costs of system extension will be as enumerated in the capital facilities plan. This does not preclude programmed extensions undertaken at the initiative of the provider.
- (3) Rates - Sewer rates are the responsibility of the provider.

c. Standards

The minimum design standards for design and construction of sewer facilities shall be those contained in the applicable city, DOE, DOH or EPA statutes and regulations or guidance documents.

4. Stormwater

a. Responsibility

The County will have responsibility for assuring that stormwater generated from development outside City limits will be handled in a manner consistent with standards outlined below.

b. Financial and Service Policies

Design and construction of stormwater collection, retention, conveyance, treatment and disposal systems will be the responsibility of the developer.

It is current County policy to require on-site retention, treatment, and disposal of stormwater. Exceptions to this policy will only be allowed if off-site collection, treatment, and disposal services are available from a municipality, or other entity properly authorized to collect and dispose of such flows.

c. Standards

All stormwater shall be retained and disposed on-site according to processes and design(s) approved by the County unless an agreement with a public entity is in place for conveyance, treatment, and disposal of such flows.

G. ANNEXATION

It is the intent of the parties to promote orderly and contiguous development of the City through annexation

- 1. Development Contiguous to City Boundaries – Annexation to be Promoted**

The County agrees that it will not provide utility services to properties within a city's UGA without the specific approval of the respective City, unless the property is in an existing utility service area of the County. It is the City's responsibility to provide utility service to properties within their respective UGA's within the 20-year planning horizon.

- 2. Development Review Within Pending Annexation Areas**

- a. Early Transfer of Authority**

It is the intent of the parties to facilitate timely processing of development applications for properties which are included within areas subject to active annexation proceedings. When a Notice of Intent to Commence Annexation has been approved by the City and submitted to the Boundary Review Board, the city may in writing, request from the County transfer of authority to accept and review project permits prior to the effective date of annexation.

- b. County Review of Submitted Project Permits**

Complete project permit applications submitted to the County prior to the effective date of annexation will be processed and reviewed by the County to the review stage covered by the project permit application fee.

"Review stage" is defined for subdivisions and short subdivisions to include preliminary plat approval, plat construction plan approval, inspection, or final plat processing. "Review stage" for all other land use permit applications includes preliminary approval, construction plan approval, construction inspections and final sign-off, but does not include related building permit applications unless a complete building permit application is submitted to the County prior to the effective date of the annexation.

(1) Vesting

Any complete project permit application submitted to the County that has vested under statutory or common law shall be subject to the Yakima County laws and regulations in effect at the time the County deemed the project permit application complete.

(2) Land Use Dedications, Deeds, or Conveyances

Final plats or other dedications of public property will be transmitted to the City for City Council acceptance of dedication of right-of-way or public easements, if dedication occurs after the effective date of annexation. Dedications, deeds, or conveyances will be in the name of the City after the effective date of the annexation and will be forwarded to the City Council for acceptance by the City even if the County is continuing to process the permit application.

(3) Appeals of Land use Permits

The County agrees to be responsible for defending, all permits decisions issued by the county for complete project permit applications submitted prior to annexation.

(4) Permit Renewal or Extension

After the effective date of annexation, any request to renew a building permit or to renew or extend a land use permit issued by the County in the annexation area is to be made to and administered by the City.

(5) Land use Code Enforcement Cases

Any pending land use code enforcement cases in the annexation area will be transferred to the City on the effective date of the annexation. Any further action in those cases will be the responsibility of the City at the City's discretion.

(6) Enforcement of County Conditions

Following the effective date of the annexation, the City agrees to enforce any conditions imposed by the county

relating to the issuance of a building or land use permit in an area that has been annexed; to the same extent it enforces its own conditions.

(7) Financial Considerations/Revenue Adjustments and Transfers

If the County intends to upgrade or replace infrastructure in a UGA, and such an investment would result in significant expense or indebtedness, then the County may seek a specific agreement with the other City to address the financial impacts of future annexation. Negotiations will provide for coordinated infrastructure development, appropriate allocation of costs and/or revenue sharing arrangements, and optimal leveraging of local funds to obtain available grants and loans.

(8) Administration of Bonds

Any performance, maintenance or other bond issued by the County to guarantee performance, maintenance or completion of work associated with the issuance of a permit will be administered by the County to completion. Any additional bonding required after annexation occurs will be determined, accepted and administered by the City along with responsibility for enforcement of conditions tied to said bonds. It shall be the City's responsibility to notify the County of the acceptance of said bonds in order for the County to release interest in any bonds the County may still hold.

(9) Records Transfer

The City may copy and/or transfer necessary County records, as appropriate, prior to and following annexation. The City may arrange for off-site duplication of records under appropriate safeguards for the protection of records as approved by the County.

H. SUB-AGREEMENTS

Sub-agreements that provide additional detail for implementing various aspects of this Agreement are anticipated, provided that the sub-agreements

do not conflict with the provisions of this Agreement. Copies of sub-agreements shall be distributed to all parties to this Agreement.

I. GENERAL PROVISIONS

1. Relationship to Existing Laws and Statutes

Except as specifically provided herein, the Cities and the County do not abrogate the decision-making authority vested in them by law. This Agreement in no way modifies or supersedes existing state laws and statutes.

2. Oversight

The County-wide Planning Policy Committee, or its successor, shall be designated as responsible for overseeing implementation of this Agreement.

3. ILA Noncompliance

The Cities and the County believe this ILA is in the best interests of the public and therefore will fully adhere to this ILA. In the event any party identifies an issue they believe is not consistent with this ILA the following process may be undertaken:

- a. The party shall give written notification within 30 days to the other parties of concern. In addition, the party shall give notice to all non-affected parties of this agreement. The affected parties shall document the nature of the dispute and their respective options for resolution, if the parties are not able to resolve the matter within 10 business days they shall seek mediation through the Dispute Resolution Center.
- b. If the disputing parties are still at an impasse, following mediation they shall seek resolution through the Yakima County Superior Court.
- c. If final resolution results in the need for amendments to the ILA, said amendments shall be processed in accordance with subsection (4) of this Agreement.

The dispute resolution process identified above does not preclude any party with standing from filing an appeal with the Washington State Growth Management Hearing Board or LUPA court if applicable.

4. Amendments to the ILA

The Cities and the County recognize that amendments to this Agreement may be necessary to clarify the requirements of particular sections or to update the Agreement. Amendments not involving all parties shall be handled as sub-agreements as provided for in Section H, above.

5. Amendments to the CWPP

The CWPPs have set a framework for comprehensive planning under GMA, but lack a process for amending the CWPPs and integrating the amendments into the comprehensive planning and implementation process. Since joint and cooperative planning will be accomplished through the provisions of the CWPPs it is important to provide for policy adjustments from time to time. The parties agree to the following process:

- a. Policy amendments shall be consistent with the framework and purpose of the CWPPs.
- b. Amendments require approval by 60% of the jurisdictions representing at least 51% of the County population prior to adoption by the Board of County Commissioners.
- c. The County-wide Planning Policy Committee will consider amendments to the CWPPs annually. The Committee should schedule review of these amendments six months in advance of the process for consideration of annual comprehensive plan changes.
- d. Proposed amendments will be provided to all Committee members at least four weeks prior to consideration by the Committee.
- e. Committee members are not expected to be able to commit their respective jurisdictions, but they are expected to fully represent the balance of concerns and views which may affect their jurisdiction's ability to approve the proposed amendments.
- f. Within 30 days of a decision by the Policy Committee, jurisdictions will be asked to indicate approval by signing the revised document.

6. The County-wide Planning Policy Committee

The CWPPC shall hold a meeting each year to report on the progress of implementing the CWPPs and this Agreement. This meeting will provide an opportunity for jurisdictions to discuss planning and development related issues and suggest changes to this Agreement as necessary. Each City and the County will be responsible for maintaining its designated member.

7. Effective Date and Term of the ILA Agreement

This Agreement shall be effective upon passage by the County and all of the Cities. The term of this Agreement shall be for five years from the effective date hereof and shall automatically be renewed for subsequent five year terms. No later than 180 days before the automatic renewal date, any party may notify the other parties in writing of a desire to revise the Agreement.

8. Severability

If any provision of this Agreement or its application to any person or circumstance is held invalid, the remainder of the provisions and/or the application of the provisions to other persons or circumstances shall not be affected.

If any section, subsection, paragraph, sentence, clause or phrase of this Agreement is adjudicated to be invalid, such action shall not affect the validity of the remaining portions of the Agreement.

III. SIGNATURES

IN WITNESS WHEREOF, this agreement has been executed by each party to this Agreement as evidenced by signature pages affixed to this agreement.

MASTER INTERLOCAL AGREEMENT
FOR GROWTH MANAGEMENT ACT IMPLEMENTATION
IN YAKIMA COUNTY

SIGNATURE PAGE

The legislative body of the undersigned jurisdiction has authorized execution of the Master Interlocal Agreement for Growth Management Act Implementation in Yakima County.

IN WITNESS WHEREOF

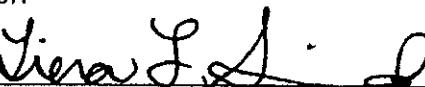
This agreement has been executed by Yakima County
(Name of City/Town/County)



J. Rand Elliott, Chairman
Board of Yakima County Commissioners

Date: December 29, 2015

Attest:

By: 

(City Clerk/Town Clerk/Clerk of the Board)

Approved as to Form:

By: 

(City Attorney/Corporate Counsel)

SEAL:

**MASTER INTERLOCAL AGREEMENT
FOR GROWTH MANAGEMENT ACT IMPLEMENTATION
IN YAKIMA COUNTY**

SIGNATURE PAGE

The legislative body of the undersigned jurisdiction has authorized execution of the Master Interlocal Agreement for Growth Management Act Implementation in Yakima County.

IN WITNESS WHEREOF

This agreement has been executed by City of Moxee
(Name of City/Town/County)

By: Tonya Lee Brown
Title: Mayor

Date: 10/12/15

Attest:

By: Kristi S Heilman
City Clerk/Town Clerk/Clerk of the Board

Approved as to Form:

By: _____
City Attorney/Corporate Counsel

SEAL:

