



WASHINGTON STATE BOUNDARY REVIEW BOARD FOR YAKIMA COUNTY

128 North Second Street
Fourth Floor Courthouse
Yakima, Washington 98901

(509) 574-2300 • FAX (509) 574-2301

Date: May 3, 2019

TO: John Puccinelli, Jim Sewell, Juan Aguilar, Joseph Buchanan, Corporate Counsel, City of Mabton; BOCC, Assessor, Treasurer, Elections Division, Sheriff's Office, GIS, Public Services (Director, Planning, Accounting, Transportation, Building & Fire Safety, Code Enforcement, Environmental Services Director, Water Resources Manager, Water Resources Supervisor), Fire District #5, YVCOG, SVID, WSDOT, Yakama Nation, B.I.A.

FROM: Phil Hoge *(PH)*
Chief Clerk - Boundary Review Board (BRB)

SUBJ: File No.: BRB2019-002, City of Mabton – The Gannon Annexation

Enclosed is the Notice of Intention packet that proposes the annexation into the City of Mabton of approximately 9.97 acres having an assessed valuation of \$148,400. The annexation is known as **“The Gannon Annexation.”**

The 45-day period to request the BRB to review this proposed annexation expires on June 17, 2019.

Any governmental unit affected by this proposed annexation may request the BRB's review of this proposal by filing a request for review with the Chief Clerk by the expiration date in accordance with RCW 36.93.100(2). Certain registered voters and property owners may request review in accordance with RCW 36.93.100(3) and (4).

Enclosure: Notice of Intention

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.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR YAKIMA COUNTY

NOTICE OF INTENTION FILING INSTRUCTIONS

Please submit this Notice of Intention form and the Exhibits listed below to the Boundary Review Board Office: 128 N. 2nd Street, 4th Floor, Yakima, WA 98901, for determination of sufficiency by the Chief Clerk of the Board. Please submit the original and the required \$50.00 filing fee. When deemed sufficient, the original and 25 copies of the Notice and exhibits shall be submitted.

The Notice of Intention is to be completed by an elected official or employee of the governmental jurisdiction that is seeking the proposed annexation or boundary change or the proponent in the case of incorporation or formation.

The following items must be submitted and labeled as follows:

- **EXHIBIT A** A copy of the legal description of the boundaries of the area involved in the proposed action certified by the Yakima County Public Services Division.
- **EXHIBIT B** A Yakima County Assessor's map on which the boundary of the area involved in the proposal and the size in acres must be clearly indicated. Include a list of all parcel numbers for lots in proposed area.
- **EXHIBIT C** A vicinity map or series of maps no larger than 11 x 17 and reproducible on a non-color photocopier displaying: ****NOTE: Original should be in color.******
 1. The boundary of the area involved in the proposal and the size in acres.
 2. The current corporate boundaries of the proposing entity.
 3. Existing water & sewer service area boundaries of the proposing entity.
 4. Major physical features such as streets and highways, railways public facilities, etc.
 5. The boundaries of cities or special purpose districts having jurisdiction in or near the proposed area.
 6. The location of the nearest service point(s) for the required utility services to the area. Show existing and proposed water/sewer lines and diameter.
 7. The Yakima County zoning, Comprehensive Plan designation, Urban Growth Area Boundary, and proposed city plan and zoning designations.
 8. Floodways or floodplains.
- **EXHIBIT D** Documentation of the process: certified copy of the petition; proof of assessed valuation; affidavit of publication of public hearing notice; copy of the minutes of public hearing; a signed and certified copy of the resolution accepting the proposal as officially passed.
- **EXHIBIT E** A copy of the Threshold Determination and completed SEPA checklist pertaining to the proposed BRB action with full explanations. Include the list of persons who were sent the checklist and all written comments from governmental agencies and the general public.
NOTE: *This is NOT to be completed by municipalities for annexation purposes.*
- **EXHIBIT F** A copy of any Interlocal agreements entered into under RCW 39.34 (Interlocal Cooperation Act) and under RCW 36.115 (Service Agreements) establishing which jurisdictions should provide various local government services and facilities and how those services and facilities will be financed.

MUNICIPAL INCORPORATIONS: Exhibits A, B, C, a certified copy of assessed valuation and a certified copy of the petition calling for the incorporation as required.

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR YAKIMA COUNTY

NOTICE OF INTENTION

for office use only:

BRB FILE # BRB2019-00002

1. Name of City, Town or special purpose district: City of Mabton

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: The Gannon Annexation

4. Driving directions to location of proposed action: Take SR 22 to Mabton at the City of Mabton West City Boundary and the intersection of SR 22 and SR 241, take a left (northbound) onto 241;

5. Briefly describe proposal: Annexation of approximately 10 acres.

6. Method used to initiate the proposed action: Petition Election Resolution

7. State statute under which action is sought: RCW 35A.14.120.et.seq.

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	10-YEAR PROJECTION
People	0	50	2315	2523
Residences	0	Unknown	558(2017)	585
Businesses	1	Unknown		

2. What source is the basis for this projection information? Yakima County, US Census

3. Acres within the proposed area 9.97 Acres Acres within existing entity 533 Acres

4. Assessed valuation of proposed area \$148,400 of existing entity \$49,889,883

5. Existing land use of the proposed area: Retail Agricultural

6. Existing land use of the area surrounding the proposal: Agricultural, Residential, Railroad and Commercial

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? Yes
If yes, describe any projects being considered or proposed: The public hearing process the property owner provided that the future use of the property could include a medical facility and housing.

9. If the proposal is approved, will there be land use changes within the next 18 months?
o Land Use:
o Zoning: Yes, the property will be zoned Mixed Use Commercial/Residential (MU-CR) when annexed into the City
o Comprehensive Plan: Yes, the property will have a future land use designation of Mixed Commercial/Residential.

10. Has the proposed area been the subject of land use action by Yakima County? Yes
If so, please explain: In 2018 the site was included into the Mabton UGA by the County.

11. a. Yakima County Comprehensive Plan designation for the proposed area: Urban Commercial
b. For surrounding areas: Agricultural
c. Yakima County Zoning for the proposed area: General Commercial
d. For surrounding areas: Agricultural

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: February 26, 2019.

14. Describe how this proposal is consistent with the adopted comprehensive plan: The recent update to the Mabton Comprehensive Plan was to include the property for annexation with the Mabton UGA.

a. Proposed city zoning upon annexation: Mixed Use Residential/Commercial
Has any portion of this area been previously reviewed by the Boundary Review Board? No
Explain _____

15. Describe the following as required by RCW 36.93.170 and the effects on land use, accessibility and potential development:
a. Topography: The site is mostly flat with a small depression on the west side of the property.
b. Natural Boundaries: The proposal is using the existing boundaries of the property.
c. Drainage Basins: On the west side of the property is part of a drainage along the west side of Mabton.

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	Private Well	City of Mabton	Upon redevelopment	Developer
Sewer	Private Septic	City of Mabton	Upon redevelopment	Developer
Fire	Fire District 5	Mabton/Fire District 5	Current provider	Taxes
Stormwater	County	City of Mabton	Upon Annexation	Taxes
Roads	State of Washington	State of Washington	Current provider	Taxes
Parks	City of Mabton	City of Mabton	Current provider	Taxes
Police	Yakima County	City of Mabton	Upon Annexation	Taxes
School	Mabton School District 120	Mabton School District 120	Current provider	Taxes
Library	Mabton Community Library/Yakima Valley Libraries	Mabton Community Library/Yakima Valley Libraries	Current provider	Taxes

2. Does your jurisdiction have a current Capital Facilities Plan? Yes, within the Comprehensive Plan
Does it consider the proposed area? Yes, reviewed as part of the 2019 update.
3. Describe the effect your jurisdiction's ordinances, governmental codes, regulations and resolutions will have on existing uses in the proposed area: The existing retail nursery can continue under the proposed city zoning.
4. Describe the probable future needs for services and additional regulatory controls in the area? Redevelopment of the property may require the use of City of Mabton Utilities.
5. Describe the probable effects of the proposal on the cost an adequacy of services and regulatory controls:
 - a. In the proposed area? Minimal effect. Any additional costs to service the site will be responsibility of the developer.
 - b. In the adjacent area? Minimal.
6. Estimate the following to be incurred under the proposal:

a. Proponent Expenditures to be incurred:	<u>\$ 0</u>
b. Proponent Revenues to be gained:	<u>\$ 408</u>
c. County Revenue Lost:	<u>\$ 480</u>
d. County Expenditure Reduction:	<u>\$ 480</u>
e. Fire District Revenue Lost:	<u>\$ 185</u>
f. Fire District Expenditure Reduction:	<u>\$185</u>
g. Financial Impact to Special Districts (library, parks, hospital):	<u>\$ 65</u>
7. What is the future impact of your proposal on the school district? None

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 No development proposed at this time.

3. Expected impact of any proposed development on air quality? No development proposed at this time.
4. Does the area under consideration contain “critical areas”? (floodplain, wetland, steep slope wildlife habitat area, etc.): Yes, there is a designated floodplain on the west side of the property.
5. Please describe any potential adverse impacts that could occur upon development. There is adequate area on the parcel for future development without impacting the critical area.

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: N/A
2. Use of physical boundaries, including but not limited to bodies of water, highways, and land contours: N/A
3. Creation and preservation of logical service areas: The location of the proposed annexation is located near the Cities existing utilities.
4. Prevention of abnormally irregular boundaries: N/A
5. Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities more than 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 N/A
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: N/A

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 _____, 20 ____.

Benancio Garcia III

Name of person completing this form

Signature

City Treasurer

Title

(509) 894-4096

Phone Number

(509) 894-4813

Fax Number

P.O. Box 655, mabton, WA 98935

Mailing Address

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

EXHIBIT A.



Yakima County Roads

Matt Pietrusiewicz P.E. - County Engineer

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

April 15, 2019

APR 22 2019

Mr. Mike Shuttleworth
Yakima Valley Conference of Governments
311 North 4th Street, Suite 204
Yakima, Washington 98901

RE: Proposed City of Mabton Annexation

Dear Mr. Shuttleworth:

The attached legal description for the proposed annexation matches the legal description that is on the Yakima County GIS records. This description is acceptable for the annexation.

If you have any questions or require any additional information, please give me a call.

Sincerely,

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

Cc: City of Mabton

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.

Exhibit A
Legal Descriptions of Annexed Parcels

Parcel 220801-12002

9.97 Acres

Legal Description: Government Lot 1, lying Northerly of the Southerly right of way of State Highway No. 3A (Now SR 22, Except Northern Pacific Railroad Right of way, except State Highway and County Right of Way.

Owner: Toshiko Gardens, LLC

EXHIBIT B.
Parcel Number 220801-12002
9.97 Acres

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

PROPERTY PHOTO		PROPERTY INFORMATION			
Parcel Address: 8301 SUNNYSIDE MABTON RD, MABTON ,WA 98935			Parcel Owner(s): TOSHIKO GARDENS LLC		
Parcel Number: 22080112002			Parcel Size: 9.97 Acre(s)		
Property Use: 63 Service - Business		TAX AND ASSESSMENT INFORMATION			
Tax Code Area (TCA): 424		Tax Year: 2019			
Improvement Value: \$97600		Land Value: \$50800			
CurrentUse Value: \$0		CurrentUse Improvement: \$0			
New Construction:\$0		Total Assessed Value:\$148400			
OVERLAY INFORMATION					
Zoning: GC	Jurisdiction: County				
Urban Growth Area: Mabton	Future Landuse Designation: (Yakima County Plan 2015)				
FEMA:	FIRM Panel Number: 53077C2259D				
LOCATION INFORMATION					
+ Latitude: 46° 12' 50.955"	+ Longitude: -120° 0' 08.574"	Range: 22 Township: 08 Section: 01			
Narrative Description: GOV LOT 1 LY N'LY OF S'LY R/W OF STATE HIGHWAY NO. 3-A (NOW SR-22), ES NORTHERN PACIFIC RAILWAY & STATE HIGHWAY & COUNTY ROAD R/W's					
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 C-1.

City of Mabton, WA
Annexation Proposal - APN 220801-12002



Yakima Valley Conference of Governments
311 North 4th Street, Suite 204
Yakima, Washington 98901
Phone: (509) 574-1550
February 2019



Mabton City Limits



Mabton Urban Growth Boundary (UGA)

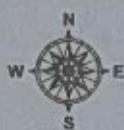
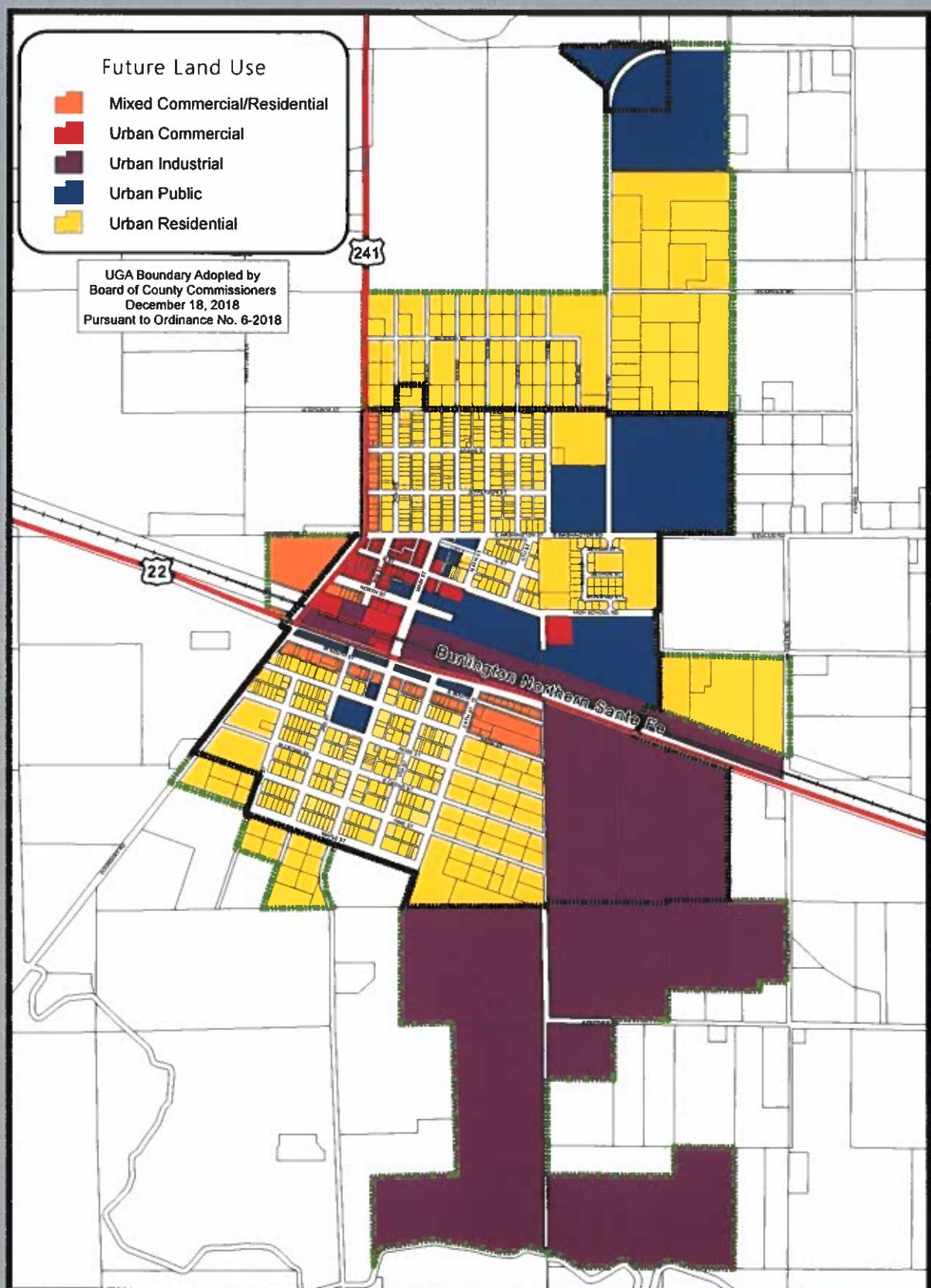


EXHIBIT C-2.

City of Mabton, WA

Future Land Use



Yakima Valley Conference of Governments
311 North 4th Street, Suite 204
Yakima, Washington 98901
Phone: (509) 574-1550
January 2019



Mabton City Limits



Mabton Urban Growth Boundary (UGA)



EXHIBIT C-3.

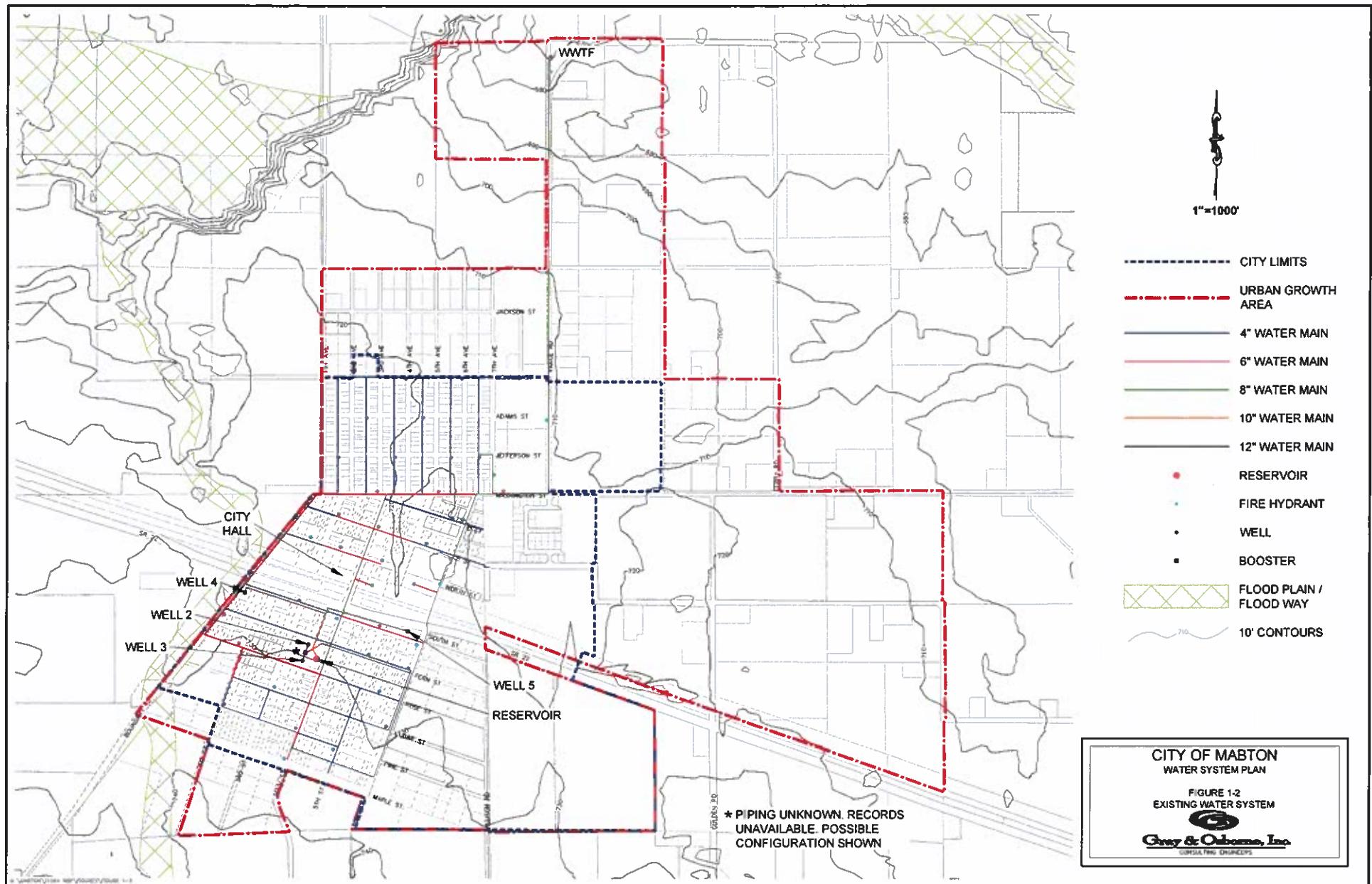




EXHIBIT C-4.

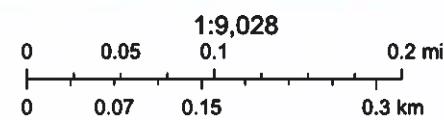
CityMap



April 29, 2019

Override 1

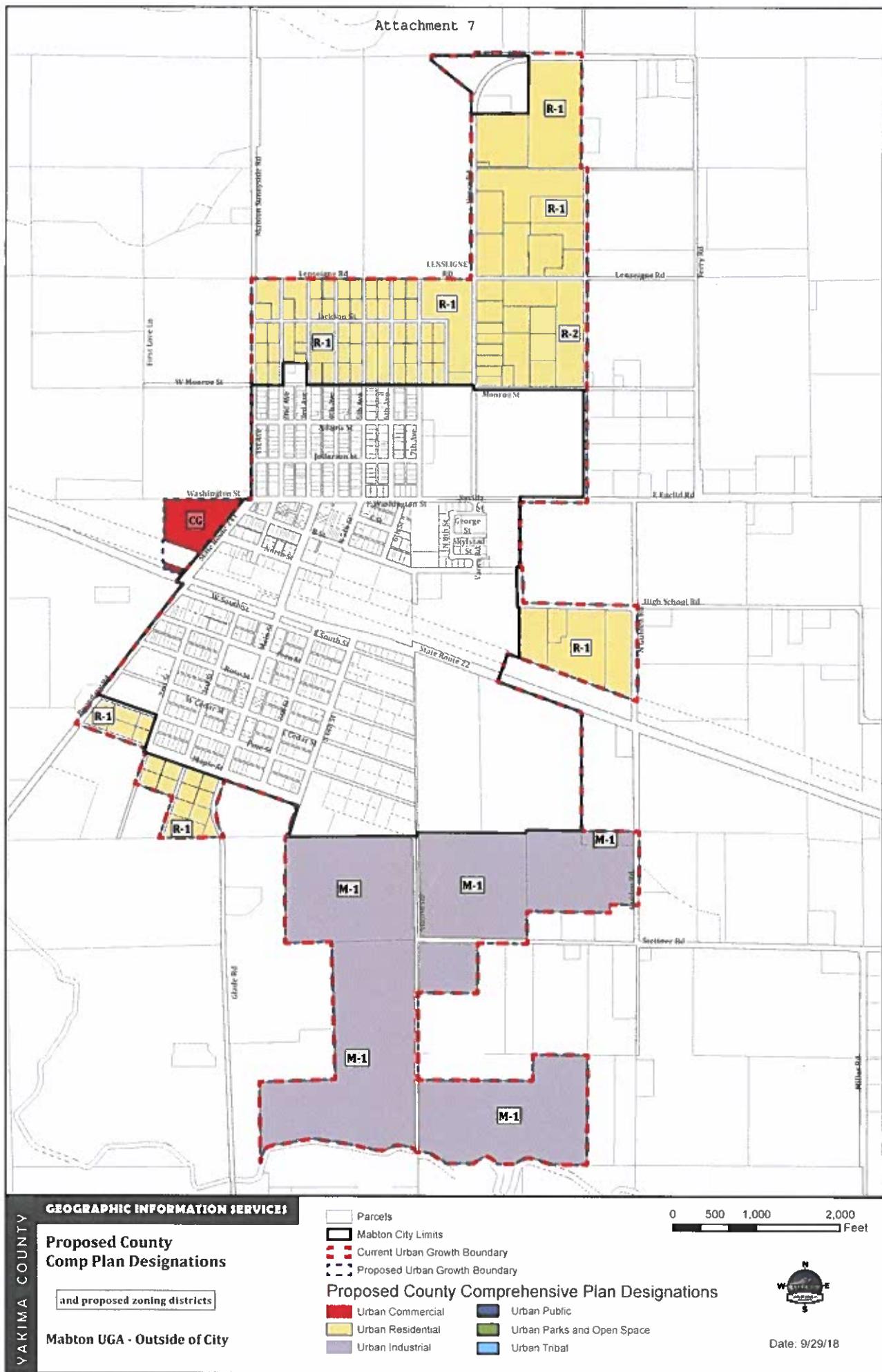
Parcels



Yakima GIS, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the
GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar

City of Yakima, Washington
City of Yakima, Washington - 2017

EXHIBIT C-7.



Yakima County GIS - Washington
Land Information Portal

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

Yakimap.com



Map Center: Range:22 Township:8 Section:1

 City Limits
Sections

WWW.YAKIMAP.COM

Yakima County GIS
128 N 2nd Street
Yakima, WA 98901
(509)574-2992



One Inch = 600 Feet

Feet 250 500 750 1000

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

Copyright (C) Yakima County GIS
Printed On: 4/11/2017 1:36:35 PM

— — — — — **Urban Growth Boundary**

Yakima County Zoning

YCC Title 19

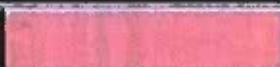
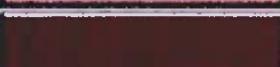
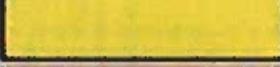
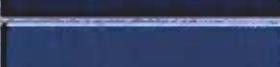
	Forest Watershed (FW)
	Agriculture (AG)
	Remote/Extremely Limited (R/ELDP)
	Rural-10/5 (R-10/5)
	Rural Transitional (RT)
	Rural Settlement (RS)
	Highway/Tourist Commerical (HTC)
	Mining (MIN)
	Planned Development (PD)
	Suburban Residential (SR)
	Single Family Residential (R-1)
	Two Family Residential (R-2)
	Multi-Family Residential (R-3)
	Professional Business (B-1)
	Local Business (B-2)
	Small Convenience Center (SCC)
	Large Convenience Center (LCC)
	General Commercial (GC)
	Light Industrial (M-1)
	Yakama Nation Closed Area

EXHIBIT C-7

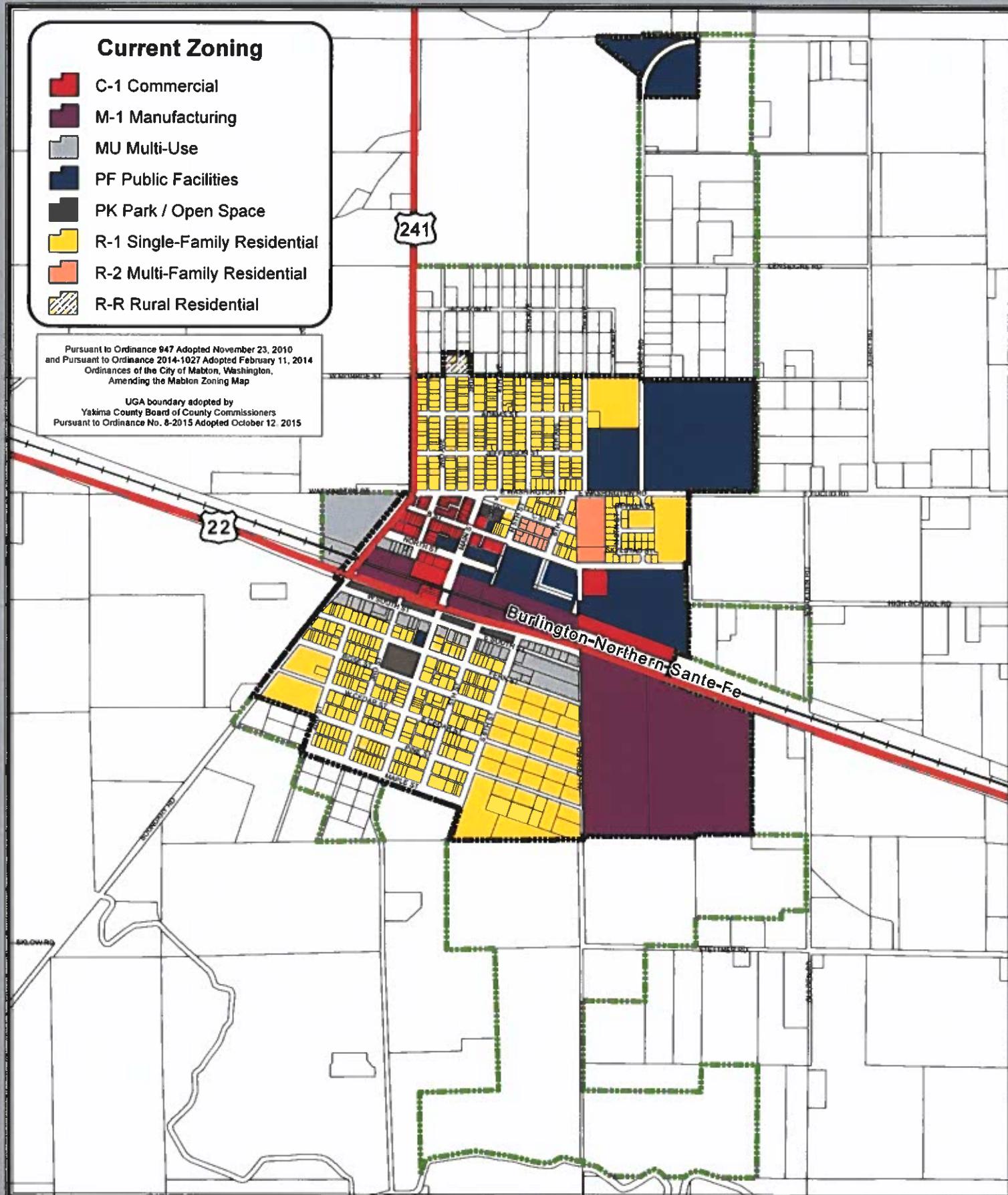
City of Mabton, WA

Current Zoning

- C-1 Commercial
- M-1 Manufacturing
- MU Multi-Use
- PF Public Facilities
- PK Park / Open Space
- R-1 Single-Family Residential
- R-2 Multi-Family Residential
- R-R Rural Residential

Pursuant to Ordinance 947 Adopted November 23, 2010
and Pursuant to Ordinance 2014-1027 Adopted February 11, 2014
Ordinances of the City of Mabton, Washington
Amending the Mabton Zoning Map

UGA boundary adopted by
Yakima County Board of County Commissioners
Pursuant to Ordinance No. 8-2015 Adopted October 12, 2015



Yakima Valley Conference of Governments
311 North 4th Street, Suite 204
Yakima, Washington 98901
Phone: (509) 574-1550
May 2019



Mabton City Limits

Mabton Urban Growth Boundary (UGA)

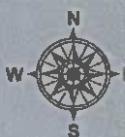
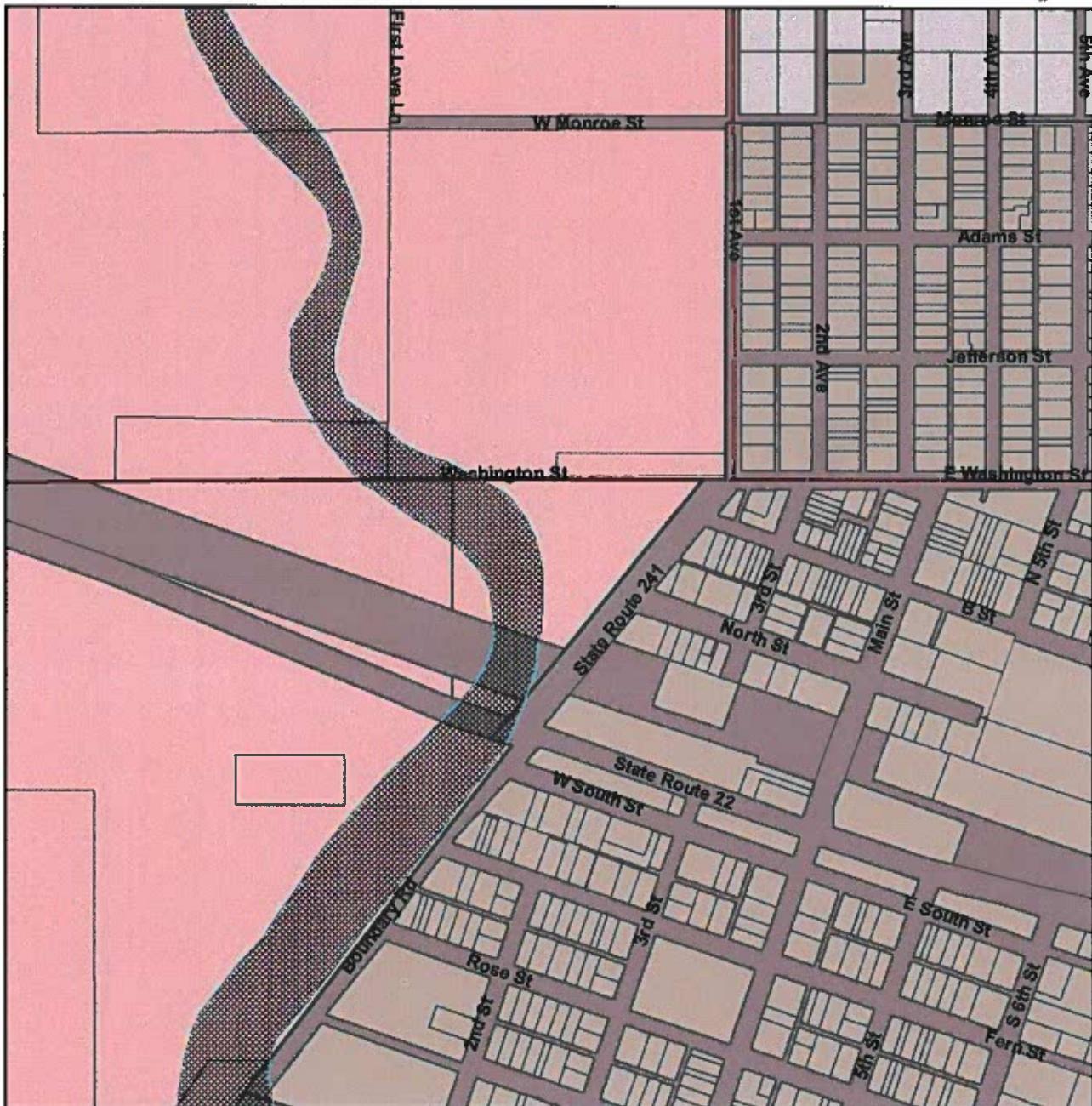


EXHIBIT C-8.

Yakima County GIS - Washington
Land Information Portal

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

Yakimap.com



Map Center: Range: 22 Township: 8 Section: 1

City Limits
 Sections

FloodPlain
 FloodWay

WWW.YAKIMAP.COM

Yakima County GIS
128 N 2nd Street
Yakima, WA 98901
(509)574-2992



One Inch = 600 Feet

Feet 250 500 750 1000

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

Copyright (C) Yakima County GIS
Printed On: 4/11/2017 1:34:22 PM

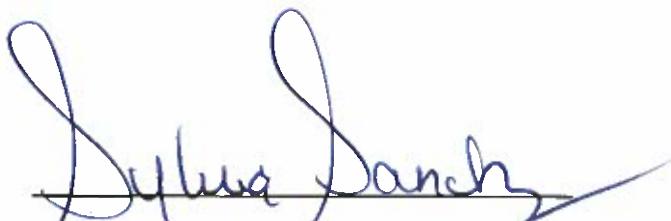
EXHIBIT D.

CITY OF MABTON, WASHINGTON

PETITION CERTIFICATION

I, Sylvia Sanchez, am appointed by the Mayor of Mabton as the City Clerk. I am the custodian of the City's records and I am authorized to make certified copies of official records. I do hereby certify under penalty of perjury that the attached Petition for Annexation submitted by Robert and Barbara Gannon, dba Toshiko Gardens, LLC for Parcel No. 2250112002 is a certified copy of an official record maintained by the City of Mabton and is an exact, complete, and unaltered photocopy of such official record.

Dated:

A handwritten signature in blue ink that reads "Sylvia Sanchez". The signature is fluid and cursive, with "Sylvia" on top and "Sanchez" below it, ending with a small checkmark.

Sylvia Sanchez
City Clerk

PETITION FOR ANNEXATION TO THE CITY OF MABTON, WASHINGTON

TO: City Council
City of Mabton
PO Box 655
Mabton, WA 98935

WE, the undersigned, being the owners of not less than sixty percent in value (according to the assessed valuation for general taxation), of the real property described on Exhibit "A" attached hereto, lying contiguous to the City of Mabton, Washington, do hereby petition that such territory be annexed to and made a part of the City of Mabton under the provisions of RCW 35A.14.120, et seq., and any amendments thereto, of the State of Washington.

The territory proposed to be annexed is within Yakima County, Washington, and is described in Exhibit "A", attached hereto.

WHEREFORE, the undersigned respectively petition the Honorable City Council and ask:

(a) That appropriate action be taken to entertain this petition, fixing a date for a public hearing, causing notice to be published and posted, specifying the time and place of such hearing, and inviting all persons interested to appear and voice approval or disapproval of such annexation; and

(b) That following such hearing, the City Council determine by Ordinance that such annexation shall be effective; and that property so annexed shall become a part of the City of Mabton, Washington, subject to its laws and ordinances then and thereafter in force.

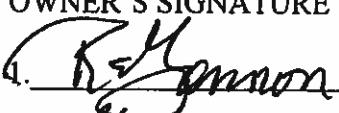
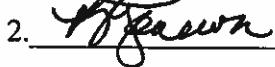
The Petitioners subscribing hereto agree "...that all property within the territory hereby sought to be annexed shall be assessed and taxed at the same rate and on the same basis as property within the City of Mabton for any now outstanding indebtedness of said City, including assessments or taxes in payments of any bonds issued or debts contracted, prior to or existing at the date of annexation, and that simultaneous adoption of proposed zoning regulations be required" in accordance with the requirements of the City Council of said City, and as quoted herein from the minute entry of the records of said City Council meeting. It is further understood that the zoning of said area proposed for annexation is M-1, consistent with the City of Mabton Comprehensive Plan.

This petition is accompanied and has attached hereto as Exhibit "B" a diagram, which outlines the boundaries of the property sought to be annexed.

These pages are a group of pages containing an identical text and prayer intended by the signers of this petition to be presented and considered as one petition and may be filed with other pages containing additional signatures which cumulatively may be considered as a single petition.

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.

PRAAYER OF PETITION: (1) Annexation of area described in Exhibits "A" and "B", and (2) Assumption of indebtedness of the City of Mabton, and (3) Zoning of M-1, consistent with the City of Mabton Comprehensive Plan.

OWNER'S SIGNATURE	PRINTED NAME	ADDRESS	DATE SIGNED
1. 	ROBERT GANNON	281 Gliderd	3/1/19
2. 	BARBARA GANNON	281 Gliderd	3/1/19
3. _____			
4. _____			
5. _____			

LEGAL DESCRIPTIONS (attached)

Exhibit A
Legal Descriptions of Annexed Parcels

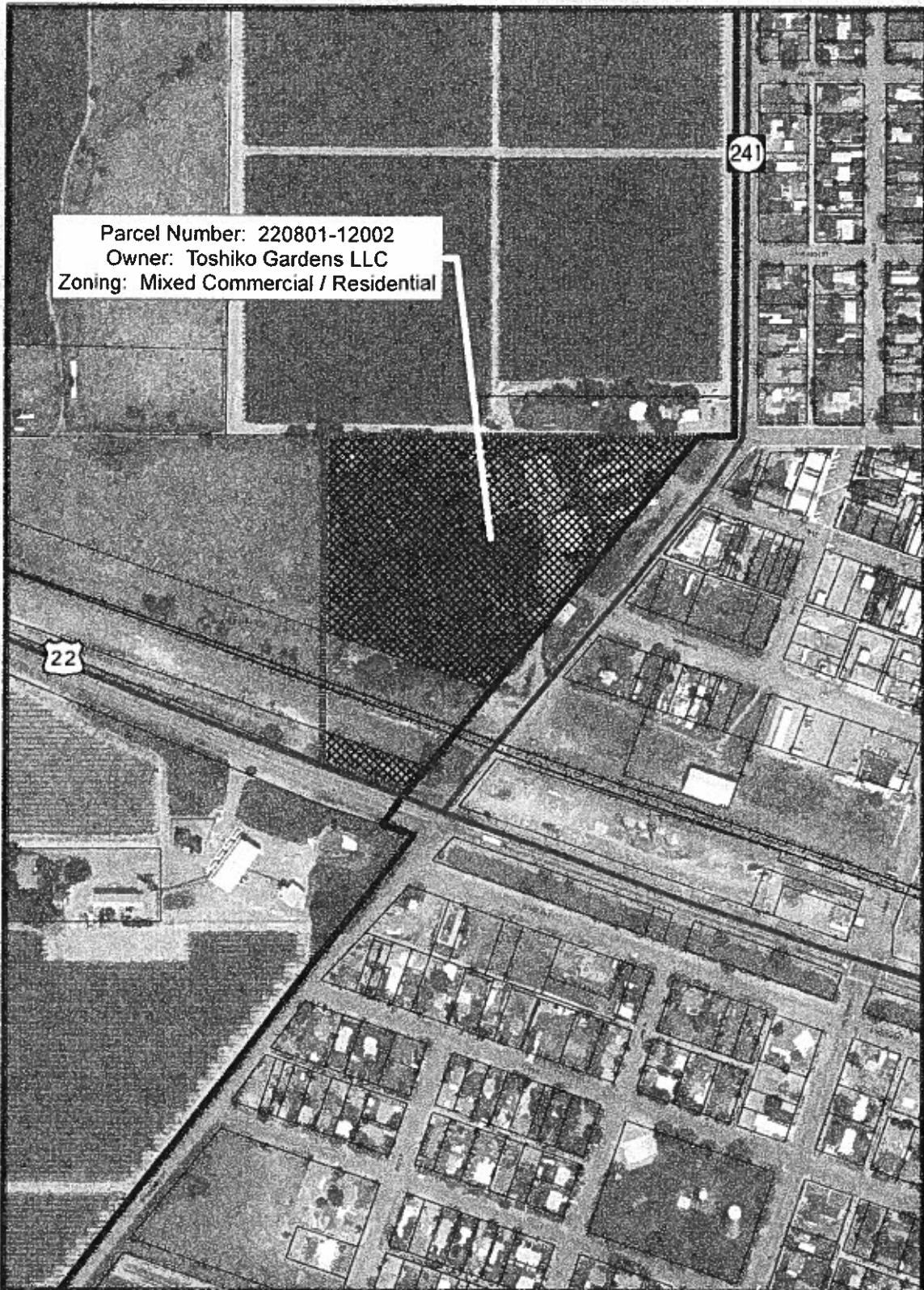
Parcel 220801-12002

9.97 Acres

Legal Description: Government Lot 1, lying Northerly of the Southerly right of way of State Highway No. 3A (Now SR 22, Except Northern Pacific Railroad Right of way, except State Highway and County Right of Way.

Owner: Toshiko Gardens, LLC

City of Mabton, WA
Annexation Proposal - APN 220801-12002



Parcel Number: 220801-12002
Owner: Toshiko Gardens LLC
Zoning: Mixed Commercial / Residential

Yakima Valley Conference of Governments
312 North 4th Street, Suite 204
Yakima, Washington 98901
Phone: (509) 574-1550
February 2019



Mabton City Limits
Mabton Urban Growth Boundary (UGA)





Dave Cook, Assessor

Courthouse • Room 112 • Yakima, WA 98901 • (509) 574-1100
Toll Free 800-572-7354 • FAX (509) 574-1101
website: www.yes.co.yakima.wa.us/assessor

Determination of Sufficiency of Annexation Petition; City of Mabton- Robert & Barbara Gannon (RCW 35A.01.050(4))

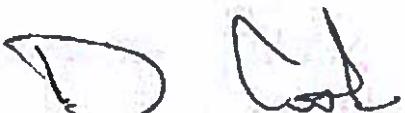
To: Mike Shuttleworth, Planning Manager
Yakima Valley Council of Governments

On March 11th, 2019 a petition for annexation was received by this office for determinations of the sufficiency of the petition according to RCW 35.13.130 and 35.21.005 from the City of Mabton.

The determination of the sufficiency was begun by this office on the terminal date of March 12th, 2019 and has now been completed based on the records of this office, the above-mentioned Certificate of Transmittal, and the agreements and legal authorities cited therein.

The owners of and real properties comprising not less than 60% of the assessed value of real property in the areas proposed for annexation are signers of an annexation petition, and the above numbered petition is determined and declared sufficient.

Done this 12th day of March 2019


Dave Cook, Yakima County Assessor

MAR 14 2019

Determination of Sufficiency of Annexation Petition

Sunnyside Sun 2019, Yakima County Legal Newspaper

City of Mabton
Notice of City Council
Public Hearing

Notice is hereby given that the Mabton City Council will conduct the following public hearings on Tuesday, April 9, 2019 at 7:00 p.m. or as soon thereafter as possible, in the Mabton Council Chambers, 305 North Main Street, Mabton WA:

1. To consider annexing 10 acres into the City's limits of the City of Mabton. The area to be annexed is Tax Parcel 22080112002, located at 8301 State Route 22, on Government Lot 1 lying northerly of the SR 22 right of way.
2. To consider annexing 30 acres into the City's limits of the City of Mabton. The area to be annexed is Tax Parcels 23080634006 and 23080634001, located at 330 Gulden Road, on That portion of the Southeast Quarter of the Southwest Quarter of Section 6, Township 8, Range 23, lying north of the following described line: Beginning North 0°11'21" East, 337 Feet from the Southwest corner, Thence South 89°16'00" East, 999.74 Feet, Thence North 95.97 Feet, Thence North 89°32'00" East, 352 Feet to East boundary and terminus of said line together with the County Road Right of Way of Gulden Road located adjacent to the east boundary of the above described properties. Copies of maps showing the proposed annexations, can be obtained by contacting Joshua Roberson, Deputy City Clerk, City of Mabton, 305 N. Main Street Mabton WA 98935 or by phone at (509) 894-4096.

The public is invited to testify at the hearings. Written comments on the proposed annexations may be submitted to the City prior to the hearings or provided at the hearings. Mail your written comments on these annexation proposals to the City of Mabton, 305 N. Main Street, P.O. Box 655, Mabton, WA 98935 or emailed them to josh.roberson@co.yakima.wa.us.

PUBLISH: SUNNYSIDE SUN
March 27, 2019

Affidavit of Publication

STATE OF WASHINGTON

ss.

County of Yakima

Debbie Guerrero, being first duly sworn on oath deposes and says that she is the Office Manager of the SUNNYSIDE SUN, a weekly newspaper.

That said newspaper is a legal newspaper, published in the English language continually as a weekly newspaper in the city of Sunnyside, YAKIMA County, Washington, and it is now and during all of said time printed in an office maintained at the aforesaid place of publication of said newspaper, and that the said Sunnyside Sun was on the 4th Day of April, 1969 approved as a legal newspaper by the Superior Court of said Yakima County.

That the annexed is a true copy of a LEGAL PUBLICATION –
City of Mabton
4/9/19 Notice of Public Hearing

published in regular issues (and not in supplemental forms) of said newspaper once each week for a period of 1 consecutive issue(s) commencing 03/27/19 and ending on 03/27/19, both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$60.00, amount has been paid in full, at the rate of \$7.75 per column inch per insertion.

Subscribed and sworn to before me 3/28/2019



Notary Public in and for the State of Washington





CITY COUNCIL MEETING AGENDA

Tuesday April 9, 2019

Present: Council Members Mark Gourneau, Arturo De La Fuente, Diana Castaneda, Mayor Laura Vazquez, City Attorney James Carmody, Mike Shuttleworth YVCOG, City Clerk Sylvia Sanchez, Deputy City Clerk Joshua Roberson

Absent: Council Member Sophia Sotelo, Fire Chief Luke Cussins

- 1. Call to Order Time: 7:30pm**
- 2. Pledge of Allegiance, Moment of Silence and Roll Call**
- 3. Vote on the Meeting Agenda**

There was a motion by Mark and a second by Arturo to approve the Meeting Agenda. Approved 4-0

- 4. Consent Agenda** (The following will be enacted by one motion. There will be no discussion separate of these items unless a Council Member requests separate discussion. The item will be removed from the Consent agenda and added to New Business.)

- A. Approve Study Session Minutes for Tuesday March 26, 2019**
- B. Approve City Council Meeting Minutes for Tuesday March 26, 2019**
- C. Approve Payroll Warrant Register Number #10367 To #10385 in the amount of \$12,149.61**
- D. Approve Claim Voucher/Payment in the amount of \$**
- E. Approve Progress Estimate No. 2 Well No. 4 Improvements in the amount of \$8,248.00**

There was a motion by Mark and a second by Diana to approve the Consent Agenda. Approved

4-0

5. Public Hearing: Start Time:7:33pm End Time:7:45pm

- Annexation of Tax Parcel 22080112002, located at 8301 State Route 22

Mike Shuttleworth of YVCOG gave us a brief overview of the Annexation process. He explained that this is an annexation of approximately 10acres. He stated that we had to first do this as an emergency amendment to the Urban Growth Area; it then has to go to the County and has to be reviewed and updated in the Comprehensive Plan and then goes to Mabton to be included in our Comprehensive Plan. We are at the stage now where if approved it will be by resolution by the city to bring it into the city under Mixed Use. It will then go for a 45 day review process through the Yakima County Review Board and then if they see no problems will be annexed by the city at the end of this time.

We heard from Nora Schneider, a county resident, who at this time asked who the County Review Board is. Mr. Shuttleworth explained Washington State Boundary Review Board of Yakima County. Nora asked who is in charge of this. Mr. Carmody explained that the this group is run by the County; Mr. Shuttleworth added to this comment that at this point it is the time where special interest groups (fire districts, etc.) would have their chance to comment on annexation.

We also heard from Dolores Gonzalez of 70 Gulden Road she was asking questions about who actually helps the city make these determinations. It was explained that the city also has a planning commission. She also inquired about different people and their roles in this process. It was explained that the Mr. Shuttleworth was a facilitator and that he was here to make sure that the process was followed properly. Mr. Carmody also explained that these annexations were both submitted by the request of the landowners and this is the reason for the hearing and request. No one from the city is facilitating this request only processing them to see their feasibility. Mr. Carmody also explained that annexation is where something in the Urban Growth Area is included in the city limits.

6. Public Hearing: Start Time:7:45pm End Time:9:15pm

- Annexation of Tax Parcels 23080634006 and 23080634001, located at 330 Gulden Road

Mr. Shuttleworth explained that this actually includes two pieces. One is the property owned by Mr. Birdlebough and the other part of this property is owned by the City itself. This property is actually already in the Urban Growth area. He explained that this is actually a very extensive calculation to allow cities to include land in their Urban Growth Area: there has to be a clear

need and it has to be contiguous land in reasonable proximity. The county also asked that we annex a portion of Gulden Rd that would be covered by this property as well.

We heard from Michael Roettger who wanted to know what the purpose of this property would be. He stated that previous this came in to try and sell and grow marijuana. What the residents of this area want to know what he intends for this space; what is the actual plan.

We also heard from Ramon and Ana Chavez of 202 Stettner Rd. who were concerned about their trucking business. They moved outside of city limits many years ago because of the problems they faced with trying to run a business of this nature inside of city limits. They stated that if this property were to end up annexed into the city they would be right back where they started.

Nora Schneider commented again. She felt that the posting for this hearing was not properly executed. She also had a comment on the fact that the county does a very good job of maintaining this road and she is very concerned that the city will not do as good of a job keeping this road to the standard than it is now.

Dora Gonzalez of 70 Gulden Rd. commented again. She stated basically that they do not want to be city limits. This city is falling apart and the county residents do not want to be a part of it.

There were many comments from surrounding residence all speaking against this annexation. There were many questions about the process and what they could do to ensure that this did not happen. There were some comments about the state of the land in question and the feasibility of the annexation.

We heard from John Birdlebough 330 Gulden Rd. the owner of the land in question. He stated that we have had this conversations several times. He stated that he has spent 8 years cleaning the pit in question digging the garbage, waste, etc. from this area. He stated that his groundwater, tested every year, is of higher quality than the city's current water supply. He also wanted to look at the basic numbers he stated that housing would bring a lot of revenue. He stated that if the city never expands the city will die. He wants to put housing in rather than a slaughter house or something because the property is currently zoned Mixed Use. He feels that he could grow the city substantially with an annexation of this nature.

7. Old Business

8. New Business

A. Approval of Ordinance 2019-1136 Amending Wages for Officers and City Personnel

There was a motion by Mark and a second by Arturo to approve Ordinance 2019-1136 with the \$2 increase for the WWTO on a probationary status to be reviewed in 3 months. They also

approved a 2% increase for the City Clerk and a one-time \$1600 stipend for all the hard work done in the time that we were without a City Treasurer. Approved 4-0

B. Approval of Resolution 2019-02 Annexing Tax Parcel 22080112002 Off SR 22 The Gannon Property

There was a motion by Mark and a second by Vera to approve Resolution 2019-02. Approved 4-0

C. Approval of Resolution 2019-03 Annexing Tax Parcel 230806-34006 &230806-34001 of Gulden Rd. Birdlebough and City Contiguous Property

There was no motion made. Resolution 2019-03 did not pass

9. Staff Reports

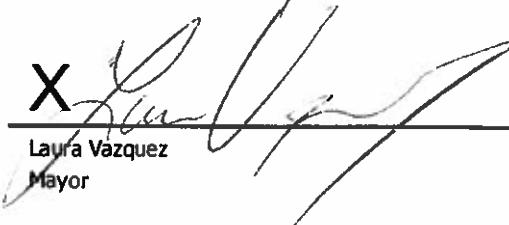
City Clerk Sylvia said thank you for the money.

10. Mayor's Report

Mayor Vazquez had two things to report. Firstly she stated that we are receiving a \$200,000 grand for parks from CDBG. Secondly she stated that she went to training and received certification in Drug & Alcohol Verification.

11. Adjournment: Time:9:29pm


X _____
Joshua Roberson
Deputy City Clerk

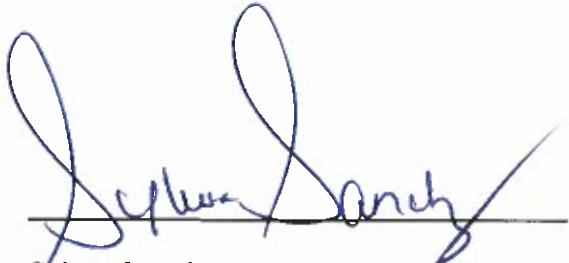

X _____
Laura Vazquez
Mayor

CITY OF MABTON, WASHINGTON

RESOLUTION CERTIFICATION

I, Sylvia Sanchez, am appointed by the Mayor of Mabton as the City Clerk. I am the custodian of the City's records and I am authorized to make certified copies of official records. I do hereby certify under penalty of perjury that the attached Resolution 2019-02 authorizing the Petition for Annexation submitted by Robert and Barbara Gannon, dba Toshiko Gardens, LLC for Parcel No. 2250112002 that is contiguous to the City of Mabton and providing for the transmittal of said petition to the Yakima County Boundary Review Board for a 45-day review prior to taking final action, is a certified copy of an official record maintained by the City of Mabton and is an exact, complete, and unaltered photocopy of such official record.

Dated:

A handwritten signature in blue ink, appearing to read "Sylvia Sanchez".

Sylvia Sanchez
City Clerk

RESOLUTION NO.2019-02

A RESOLUTION OF THE CITY OF MABTON, WASHINGTON, AUTHORIZING THE PETITION TO ANNEX PROPERTIES KNOWN AS THE ROBERT AND BARBARA GANNON, TOSHIKO GARDENS, LLC THAT IS CONTIGUOUS TO THE CITY OF MABTON AND PROVIDING FOR TRANSMITTAL OF SAID PETITION TO THE YAKIMA COUNTY BOUNDARY REVIEWBOARD FOR A 45-DAY REVIEW PRIOR TO TAKING FINAL ACTION

WHEREAS, the City of Mabton, Washington received a petition for annexation commonly known as the Robert and Barbara Gannon, Toshiko Gardens, LLC Annexation of certain real property pursuant to RCW 35A.14.120, a legal description of which is attached hereto as Exhibit "A";

WHEREAS, that said petition set forth the fact that the City Council of the City of Mabton required the assumption of City indebtedness by the area requesting to be annexed;

WHEREAS, prior to filing of said petition, the City Council had indicated a tentative approval of said annexation;

WHEREAS, petitioners further understood the zoning of said area proposed for annexation would be MU-CR Mixed Use Commercial/Residential District for Parcel No. 22080112002;

WHEREAS, notices of hearings before the City Council were published and posted in the manner as provided by law,

WHEREAS, all property within the territory so annexed is a part of the Urban Growth Area of the City of Mabton as presently adopted or as is hereafter amended;

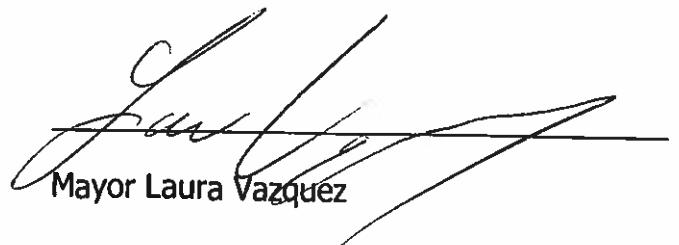
WHEREAS, the Council of the City of Mabton has determined that the best interests and general welfare of the City would be served by the annexation; and

WHEREAS, prior to the City Council taking final action on this annexation, the "Notice of Intention" is to be completed by an elected official or employee of the governmental jurisdiction that is seeking the boundary change action or the proponent in the case of incorporation or formation and submitted to the Yakima Boundary Review Board for a 45-day review period.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MABTON, that the Notice of Intention to annex property described on Exhibit "A", be completed by the City Clerk of the City of Mabton and thereafter forwarded to the Yakima Boundary Review Board for a 45-day review period.

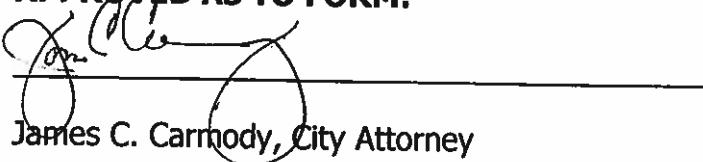
PASSED BY THE CITY COUNCIL OF THE CITY OF MABTON, WASHINGTON, AT A

REGULAR MEETING APRIL 9, 2019.



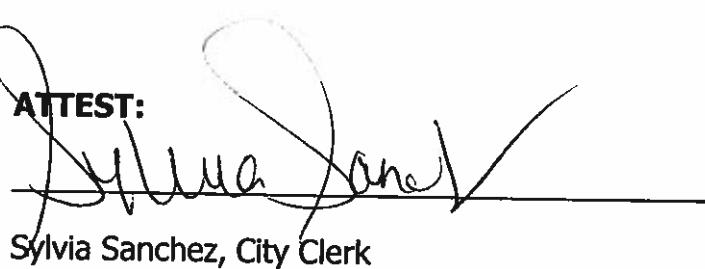
Mayor Laura Vazquez

APPROVED AS TO FORM:



James C. Carmody, City Attorney

ATTEST:



Sylvia Sanchez, City Clerk