



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: January 17, 2024

TO: Boundary Review Board Members, Corporate Counsel, City of Sunnyside, Board of County Commissioners, Assessor, Treasurer, Elections Division, Sheriff's Office, Public Services (Director, Planning, Building & Fire Safety, Code Enforcement, Environmental Services, Water Resources, GIS), County Roads, Parks and Trails, Yakima Valley Libraries, Yakima Valley Conference of Governments, South Yakima Conservation District, Sunnyside School District, Fire District # 5, Sunnyside Valley Irrigation District, Bureau of Indian Affairs, and Yakama Nation.

FROM: Olivia Story
Chief Clerk - Boundary Review Board

SUBJ: **File No.: BRB2024-00001, Phillips Annexation**

Enclosed is the Notice of Intention packet that proposes the annexation into the City of Sunnyside, 2.3 acres having an assessed valuation of \$370,000. The annexation is known as the **"Phillips Annexation."**

The 45-day review period for this proposed annexation expires **March 2, 2024**.

Any governmental unit affected by this proposed annexation may compel the Board'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 compel 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 # _____

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

2. Action Sought:
- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Annexation |
| <input type="checkbox"/> | Formation of a Special Purpose District |
| <input type="checkbox"/> | Incorporation |
| <input type="checkbox"/> | Other Boundary Change |
| <input type="checkbox"/> | Merger/Consolidation of Special Purpose District |
| <input type="checkbox"/> | Dissolution of Special Purpose District |
| <input type="checkbox"/> | Water or Sewer Extension _____ Size of Water Line _____ Sewer Line |

3. This proposal shall be known as: Phillips Annexation

4. Driving directions to location of proposed action: 440 E. Allen Rd.,

5. Briefly describe proposal: Annexation of a single parcel with an existing single family home

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

7. State statute under which action is sought: RCW 35.13.125-160

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	2	73.29	16,375	19,076
Residences	1	21	4,845	5,619
Businesses	-	-	-	-

2. What source is the basis for this projection information? OFM Population Estimates and YVCOG Population projections

3. Acres within the proposed area 2.30 Acres within existing entity 12,000,526.56

Assessed valuation of proposed area \$ \$370,000 of existing entity \$ 263,232,000

4. Existing land use of the proposed area Single Family Residence

5. Existing land use of the area surrounding the proposal: Residential, Single family homes, vacant, Commercial

6. Are all surrounding & interior roads included in the annexation? ☐ Yes ☒ No
If no, why not? Roads are already in City
7. Is there new residential, commercial, or industrial development that is associated with this proposal? Not at this time.
If yes, describe any projects being considered or proposed: N/A
9. If the proposal is approved, will there be land use changes within the next 18 months?
☐ Land Use No Change
☐ Zoning No Change
☐ Comprehensive Plan No Change
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: Urban Commercial
b. For surrounding areas: Urban Commercial
c. Yakima County Zoning for the proposed area: Local Business (B-2)
d. For surrounding areas: Local Business (B-2)
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: March 28, 2022
14. Describe how this proposal is consistent with the adopted comprehensive plan: This annexation is consistent with the comprehensive plan because the future land use designation of this area is Urban Residential, and will be annexed as R-1 Single Family. Per GOAL 1: Provide safe and sanitary housing for all persons within the community. Policy 1.1 Support the development of a housing stock that meets the varied needs of the present community while attracting higher income residents. Objective 1 Encourage the construction of new units to increase the local housing supply. New construction should provide for a moderate, to very low income and elderly market demand as well as upscale residences. It should also provide for an appropriate mix of housing types and intensities (single-family, multifamily).
a. Proposed city zoning upon annexation: Planned Unit Development (PUD)
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 area is relatively flat with no significant changes in topography.
b. Natural Boundaries: There are no natural boundaries to this site.
c. Drainage Basins: Lower Yakima Watershed
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 Wells	City Available for future	No Change	Property Owner
Sewer	Septic	City Available for future	No Change	Property Owner
Fire	City of Sunnyside	Same	Current	Taxes
Stormwater	Retain on Site	Same	No Change	Property Owner
Roads	City of Sunnyside / County	None	Upon development	City of Sunnyside
Parks	City of Sunnyside	City of Sunnyside	Upon Annexation	Taxes
Police	City of Sunnyside / Yakima County Sheriff	City of Sunnyside	Upon Annexation	Taxes
School	Sunnyside School District	Same	Upon Annexation	Taxes
Library	Yakima Valley Regional Library	Same	Upon Annexation	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: No effect on existing uses, all uses are permitted under current City codes.

Depending on the scope of work proposed, there may be a need for frontage improvements across the site. The property will be required to connect to City services if there is any proposed development on the site.

4. Describe the probable future needs for services and additional regulatory controls in the area? If the property owner decides to develop the site in the future, the site will need to installed frontage improvement and connect to City utilities.

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

a. In the proposed area? The property owner/developer will be tasked with providing and adequate water and sewer supply to the proposed homes in the area. No City Building Permits will be issued until the applicant has demonstrated satisfactory compliance with water and sewer supply to the area.

b. In the adjacent area? There are none known

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

a. Proponent Expenditures to be incurred:	\$ <u>Not Known</u>
b. Proponent Revenues to be gained:	\$ <u>Not Known</u>
c. County Revenue Lost:	\$ <u>\$550.00</u>
d. County Expenditure Reduction:	\$ <u>Not Known</u>
e. Fire District Revenue Lost:	\$ <u>\$347.60</u>
f. Fire District Expenditure Reduction:	\$ <u>Not Known</u>
g. Financial Impact to Special Districts (library, parks, hospital):	\$ <u>No Change</u>

7. What is the future impact of your proposal on the school district? Minimal change. It is expected that any future housing in this area may generate additional children within the local school system, but the exact number of home is unknown at this time.

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: The impact to adjacent road and highways will be minimal and there are no mitigation measures proposed as part of this annexation. When future development occurs the land use, traffic studies (if necessary) will address the future impact and include mitigation measures as necessary.
3. Expected impact of any proposed development on air quality: No impact to air quality. Future development will require mitigation as necessary. The property is already within the Urban Growth Boundary and as such subject to certain standards, as applicable, of the Yakima Regional Clean Air Authority.
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: Future development will undergo land use and environmental review, as appropriate. Potential adverse impacts will be mitigated as required by City Ordinance.

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 annexation area includes one single family home, Applicant would like to bring their property into the City for possible future development potential. Nothing has been proposed at this time.
2. Use of physical boundaries, including but not limited to bodies of water, highways, and land contours: The site is primarily flat with no distinct physical boundaries. Primary access to the site is from E. Allen Rd.
3. Creation and preservation of logical service areas: City of Sunnyside water and sewer utilities are available in E. Allen Rd. Property will be required to connect to City services if/when any future development occurs.
4. Prevention of abnormally irregular boundaries: The annexation is primarily along E. Allen Rd. adjacent City of Sunnyside City limits.
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: 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 8th day December, 2023 .



Signature

Trevor Martin
Name of person completing this form

____Community and Economic Development Director____
Title

509-836-6393
Phone Number

Fax Number _____

818 E. Edison Ave., Sunnyside, WA 98944
Mailing Address

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

Yolanda Phillips, 440 E. Allen Rd., Sunnyside, WA 98944

RESOLUTION 2023 - 310

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, AUTHORIZING
THE PETITION TO ANNEX PROPERTIES KNOWN AS
THE PHILLIPS ANNEXATION THAT IS CONTIGUOUS
TO THE CITY OF SUNNYSIDE AND PROVIDING FOR
TRANSMITTAL OF SAID PETITION TO THE YAKIMA
COUNTY BOUNDARY REVIEW BOARD FOR A 45-DAY
REVIEW PRIOR TO TAKING FINAL ACTION**

WHEREAS, the City of Sunnyside, Washington received a petition for annexation commonly known as the Phillips Annexation. Annexation of certain real property pursuant to RCW 35A.14.120, a legal description of which is attached hereto as Exhibit "A"; and

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

WHEREAS, the Planning Commission has held a public hearing on November 14, 2023 considering the record herein and the recommendations of the staff report presented; and

WHEREAS, the City Council finds and determines as follows:

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

WHEREAS, The City Council, having made the above findings, determines that such property should be annexed to the City of Sunnyside with a zoning of PUD, Planned Unit Development, and that the Comprehensive Plan and Zoning map of the City of Sunnyside should be amended accordingly and as necessary; and,

WHEREAS, Prior to the City Council taking final action on this annexation, the "Notice of Intention" is to be completed by Community and Economic Development Director 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 SUNNYSIDE, WASHINGTON, as follows:

SECTION 1. Following a recommendation from the staff report and consideration of public testimony, staff submit the proposed annexation and proposed zoning designation to the City Council to consider the annexation request at a public hearing.

PASSED this 11th day of December, 2023.




DEAN BROERSMA, MAYOR

ATTEST:



JACQUELINE RENTERIA, CITY CLERK

APPROVED AS TO FORM:
SAXTON RILEY & RILEY, PLLC



BENJAMIN J. RILEY
ATTORNEYS FOR THE CITY OF SUNNYSIDE

Exhibit "A" RESOLUTION 2023-36 :
Legal Description

EXHIBIT A

Legal Description

Lot 2 of Short Plat as recorded in Volume "L" of Plats, page 72, records of Yakima County, Washington.

RESOLUTION 2023 - 26

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

WHEREAS, Yolanda Phillips, owner of record of Yakima County Assessor's Parcel No. 231032-31402, consisting of 2.30 acres, submits a Notice of Intention to Commence Annexation Proceedings, as shown on the attached Notice of Intention; and

WHEREAS, the City Council, having conducted an Annexation Initiation Meeting on September 25, 2023, finds as follows:

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

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

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

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

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

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

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

PASSED this 25th day of September, 2023.

ATTEST:


JACQUELINE RENTERIA, CITY CLERK


DEAN BROERSMA, MAYOR

APPROVED AS TO FORM:


SAXTON, RILEY & RILEY, LLPC
Attorneys for the City of Sunnyside

**PETITION FOR ANNEXATION
TO THE CITY OF SUNNYSIDE,
WASHINGTON**

**To: City Council of the City of Sunnyside
818 East Edison Avenue
Sunnyside, Washington 98944**

City Council:

We, the undersigned, being a majority of the registered voters residing in the area for which annexation is sought, and/or owners of a majority of the acreage for which annexation is petitioned, hereby petition that the real property described below, being contiguous to the City of Sunnyside, be annexed to and made a part of the City of Sunnyside pursuant to the provisions of Chapter 35A.14 of the Revised Code of Washington.

Pursuant to such statute, the Petition for Annexation must be signed by the owners of a majority of the acreage for which annexation is petitioned, and a majority of the registered voters residing in the area for which annexation is petitioned. If no residents reside within the area proposed for annexation, the Petition must be signed by the owners of a majority of the acreage for which annexation is petitioned. The undersigned state and aver that:

- _____ (a) This Petition for Annexation includes both owners of a majority of the subject property AND a majority of the registered voters residing on such property; OR
- X (b) No residents exist within the area proposed for annexation, and this Petition is signed only by owners of a majority of the acreage for which annexation is petitioned.

Legal Description and Map: Attached to this Petition for Annexation, and incorporated herein as Exhibit "A" by this reference, is a legal description of the property for which annexation is petitioned. Attached hereto as Exhibit "B" and incorporated herein by this reference is a map that outlines the boundaries of the property sought to be annexed.

Conditions of Annexation: The City Council of the City of Sunnyside on _____

found and ordered: (1) That the Petition for Annexation is approved for circulation and signature for the property described herein; (2) That the subject property will be subject to simultaneous adoption of a zoning regulation in substantial compliance with the Comprehensive Plan of the City of Sunnyside or other zoning regulation adopted pursuant to RCW 35A.14.; and (3) That the property subject to this Petition for Annexation shall be subject to all prior existing city indebtedness.

WHEREFORE, the undersigned respectfully petition the City Council of the City of Sunnyside as follows:

- (1) That the appropriate action be taken to receive this Petition, refer for consideration and action to the Sunnyside Planning Commission in accordance with Title 19 of the Sunnyside Municipal Code, and causing a notice of public hearing to be published and posted in accordance with law specifying the time, date and place of such hearing, and inviting all persons interested to appear and present testimony and evidence in approval or disapproval of such annexation; and
- (2) That following such hearing, 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 adopted and effective; and that the property so annexed shall become a part of the City of Sunnyside, 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 Sunnyside for any now outstanding indebtedness of said city, including assessments or taxes in payment of any bonds issued or debts contracted prior to or existing at the date of annexation, and that simultaneous adoption of proposed zoning regulation be required" in accordance with the requirements of the City Council of the City of Sunnyside, and as quoted herein from the minute entry of the records of said Council meeting. It is further understood that the proposed zoning of said area proposed for annexation shall be in substantial conformity with the Comprehensive Plan of the City of Sunnyside.

These pages are a group of pages containing identical text and prayer intended by the signers of the 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 Notice of Intention with any other than his or her true name, or who knowingly signs more than one of these petitions, or who signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

PETITION FOR ANNEXATION
SIGNATURE SHEET

1. Yolanda Phillips [Signature]
Print Name Signature
440 E Allen Rd 231032-31402
Address of property to be annexed Parcel Number(s)

Check all that apply:

☒ Property Owner ☒ Reside on property & registered voter
440 E Allen Rd 5/26/23
Residential address of signer Date of signature

2. _____
Print Name Signature

Address of property to be annexed Parcel Number(s)

Check all that apply:

____ Property Owner ____ Reside on property & registered voter

Residential address of signer Date of signature

3. _____
Print Name Signature

Address of property to be annexed Parcel Number(s)

Check all that apply:

____ Property Owner ____ Reside on property & registered voter

Residential address of signer Date of signature

WARNING

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

4.

Print Name _____

Signature

Address of property to be annexed

Parcel Number(s)

Check all that apply:

____ Property Owner _____ Reside on this property and registered voter

Residential address of signer

Date of signature

5.

Print Name _____

Signature

Address of property to be annexed

Parcel Number(s)

Check all that apply:

____ Property Owner _____ Reside on this property and registered voter

Residential address of signer

Date of signature

6.

Print Name _____

Signature

Address of property to be annexed

Parcel Number(s)

Check all that apply:

Property Owner _____ Reside on this property and registered voter

Residential address of signer

Date of signature

**NOTICE OF INTENTION TO COMMENCE
ANNEXATION PROCEEDINGS**

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

City Council:

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

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

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

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

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

Principal contact person for this annexation is:

Name: Vilandra Phillips Phone 509 840 3015

Address: 4410 E. Allen Road

Why is annexation being requested? To add a residential structure in order to care for family and present property currently land zoned B2 and requesting residential

What is intended use?

Present:

Future:

residential
Residential, subdivided into 2 plots

WARNING

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

Name/Address/Parcel No(s)

1.

Yolanda Phillips

Print Name _____

440 E. Allen Road

Address of Property to be annexed

440 E. Allen Road

Address of owner



Signature

231032-31402

Parcel Number(s)

5/26/23

Date of Signature

2.

Print Name _____

Signature

Address of Property to be annexed

Parcel Number(s)

Address of owner

Date of Signature

3.

Print Name _____

Signature

Address of Property to be annexed

Parcel Number(s)

Address of owner

Date of Signature

4.

Print Name

Signature

Address of Property to be annexed

Parcel Number(s)

Address of owner

Date of Signature

WARNING

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5. Yolanda Phillips X [Signature]
Print Name Signature
440 E. Allen Road 231032-31402
Address of Property to be annexed Parcel Number(s)
440 E. Allen Road 5/26/23
Address of owner Date of Signature
6. _____
Print Name Signature

Address of Property to be annexed Parcel Number(s)

Address of owner Date of Signature
7. _____
Print Name Signature

Address of Property to be annexed Parcel Number(s)

Address of owner Date of Signature
8. _____
Print Name Signature

Address of Property to be annexed Parcel Number(s)

Address of owner Date of Signature

2904520

FILED FOR RECORD AT REQUEST OF:

Hart and Winfree

NAME:

HART and WINFREE

ADDRESS:

P.O. Box 210

CITY AND STATE: Sunnyside, WA 98944

YAKIMA COUNTY
WASH

FILED BY

OCT 10 12 32 PM '90

BETTIE INGRAM
AUDITOR

THIS SPACE RESERVED FOR
RECORDERS USE

2904520

QUIT CLAIM DEED

THE GRANTOR, DENA M. PHILLIPS, as her separate property, for and in consideration of Love and Affection and as a Gift, conveys and quit claims to KRISTOPHER A. PHILLIPS, as his separate property, the following described real estate, situated in the County of Yakima, State of Washington, including any after acquired title:

Lot 2 of Short Plat as recorded in Volume "L" of Plats, page 72, records of Yakima County, Washington.

Assessor's Parcel No. 231032-31402

COUNTY EXCISE TAX

DATE

10-10-90

PAID \$

REC. NO.

249893

Dated October 9, 1990.

BY: *[Signature]*
DALE A. GRAY, Yakima County Treasurer

2904520

FILED FOR RECORD AT REQUEST OF:

Hart and Winfree

NAME: HART and WINFREEADDRESS: P.O. Box 210CITY AND STATE: Sunnyside, WA 98944

YAKIMA COUNTY
WASH
FILED BY
Oct 10 12 32 PM '90
BETTIE INGHAM
AUDITOR

THIS SPACE RESERVED FOR
RECORDERS USE

2904520

QUIT CLAIM DEED

THE GRANTOR, DENA M. PHILLIPS, as her separate property, for and in consideration of Love and Affection and as a Gift, conveys and quit claims to KRYSTOPHER A. PHILLIPS, as his separate property, the following described real estate, situated in the County of Yakima, State of Washington, including any after acquired title:

Lot 2 of Short Plat as recorded in Volume "L" of Plats, page 72, records of Yakima County, Washington.

Assessor's Parcel No. 231032-31402

Dated October 9, 1990.

COUNTY EXCISE TAX
DATE 10-10-90
PAID \$ 7.00
REC. NO. 249803
BY [Signature]
JULIE A. GRAY, Yakima County Treasurer

Dena M. Phillips
DENA M. PHILLIPS

STATE OF WASHINGTON)
County of Yakima) ss

I certify that I know or have satisfactory evidence that DENA M. PHILLIPS signed this instrument and acknowledged it to be to her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: October 9, 1990.

Paul E. Hart
NOTARY PUBLIC in and for the
State of Washington, residing
at Sunnyside.
My appointment expires: 11/27/91



Receipt: 238197 05/31/2023
Acct #: 5995
CITY OF SUNNYSIDE
818 E. EDISON AVE
SUNNYSIDE, WA 98944
509-837-3782

PHILLIPS YOLANDA
440 E ALLEN RD
SUNNYSIDE, WA 98944

BUILDING PERMITS - BIAS
Inv#: 13507 Amt Paid: 363.83

Non Taxed Amt: 363.83

Total: 363.83

CC: 145896699 363.83

Ttl Tendered: 363.83

Change: 0.00

Issued By: Debbie Espinoza
06/01/2023 06:37:14

31404

31406

31401

31006

32428

E Allen Rd

32

33

Carmichael Way

World Imagery

Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

60cm Resolution Metadata

Taxlots

Water - f

 Unknown

Sewer - Pipe

— Polyvinyl

 Unknown

Sewer - Pipe

Polyvinyl Chloride - PVC

1:2,257

0.05 mi

0.08 km

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Yakima County GIS

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APPLICATION# ANX-23-2
APPLICANT: Yolanda Phillips
APPLICANT ADDRESS: 440 East Allen Road, Sunnyside WA 98944
PROJECT LOCATION: 440 East Allen Road, Sunnyside WA 98944
PARCELS: 23103231402

FINDINGS OF FACT

Based upon information supplied by the applicant, comments from public agencies and a review of the Sunnyside Municipal Code and the Sunnyside Comprehensive Plan, the Administrative Official enters the following:

1. **Project Description:** The applicant is proposing one lot, totaling approximately 2.3 acres, be rezoned and annexed into the city limits from Low Density Residential (R-1) to High Density Residential (R-3) but upon further discussion, the future land use plan for the city, and the future land use plan for Yakima county, the Planning Commission recommends the rezone to be a Planned Unit Development (PUD).
2. **Zoning/Land Use:** Properties to the north are within the General Commercial (B-2) Zoning District and are religious institutions. To the East are within county limits zoned as Urban Residential. Properties to the South are within the B-2 Zoning District and used as an auto business. Properties to the West are within the B-2 Zoning District and used as auto business. A majority of the properties to the east and south east are residential and rural farming land while places to the north, and west, and south west are used for industrial businesses.
3. **Jurisdiction and Process:** The procedure for reviewing rezone application is set forth in Sunnyside Municipal Code (SMC) Sections 17.76.020C, 17.76.020D and 17.76.020E as shown below:
 4. "C. The Planning Commission shall hold a public hearing on any such amendments, supplement or modification of the ordinance, whether initiated by petition or motion. Notice of hearing and the nature of the proposed change shall be given by publication in the official newspaper of the City at least 10 days prior to the date of hearing. In addition, in all cases of change of boundaries or of zone classifications, all owners of property within 300 feet of the boundary lines of the property proposed to be changed shall be notified of the proposed change and the date of hearing by United States mail. Notice mailed to the last known address of the person making the last tax payment shall be deemed proper notice; provided, however, that in the case of a zone change affecting three or more parcels, that notice may be given by publication in all local newspapers published in the City for two consecutive weeks of the notice of hearing on the proposed change. The notice shall contain the date, time and place of the hearing, and also a map which indicates the place of the hearing, and also a map which indicates the area of the proposed change and the effects of the change. The date of last publication of the notice shall be at least 10 days before the date set for said hearing.
 5. D. In recommending the adoption of any proposed amendment or in concurring with the City Council on any proposed amendment, the Planning Commission shall state fully its reasons at the public hearing before the City Council, describing any change in conditions that it believes makes the amendment advisable and in specifically setting forth why the Planning

Commission is of the opinion that the amendment is in harmony with the purposes set forth in SMC 17.04.020.

6. E. Changes in the zoning or boundaries of zoning shall, insofar as possible, be consistent with the optimal land use map of the comprehensive plan as provided by State law."
7. **Future Land Use:** Per the City of Sunnyside Comprehensive Plan, the underlying land use is to be General Commercial (B-2), per Yakima County Comprehensive Plan, the underlying land use is to be Urban Commercial, which is inconsistent with the rezoning requested by the applicant. Per the Planning Commissions suggestion to rezone the future land use to a PUD zoning district, this would allow for current land use of residential housing with possibility of future development of additional residential housing or commercial development.
8. **Site Development Standards:** Permitted uses and developments in the Planned Unit Development (PUD) zone are subject to the following dimensional standards and yards requirements:

Sections:

- | | |
|-----------|--|
| 17.52.010 | Purpose. |
| 17.52.020 | Permitted uses. |
| 17.52.040 | Administering authority. |
| 17.52.050 | Planned unit development zone designation. |
| 17.52.060 | Design standards and procedures. |
| 17.52.070 | Procedure for approval of planned unit developments. |
| 17.52.080 | Building permits. |
| 17.52.090 | Minor and major adjustments after final approval. |

17.52.010 Purpose.

It is the purpose of the PUD zone to encourage innovation and creativity in the development of new residential, commercial and industrial areas in the City. To carry out the objective and spirit of the comprehensive plan, it is the purpose of this zone to encourage new development now limited by the strict application of the City's zoning and subdivision regulations. More specifically, it is the purpose of the PUD zone to:

- A. Encourage development of a variety of housing types.
- B. Encourage development of a viable economic base that enhances the image of the City.
- C. Create and/or preserve usable open space for recreation and aesthetic enjoyment of residence and employees.
- D. Preserve as much as possible the natural characteristics of the land, including topography, native vegetation and views.
- E. Avoid construction and hazardous areas.
- F. Preserve and/or create wildlife habitat.
- G. Encourage creativity in design.
- H. Provide for maximum efficiency in the layout of streets, utility networks and other public improvements.
- I. Provide a guide for developers and City officials who review and approve residential commercial and industrial developments meeting the standards and purposes of the PUD zone.
- J. Encourage the development of uses that will be compatible with adjacent existing and proposed uses and that will be beneficial to the community.
- K. Allow development of parcels of property in phases over a period of time, as specified in the plan.
- L. Encourage flexibility that will permit a more creative approach to the development of land and will result in a more efficient, aesthetic and desirable use of open spaces.

M. Encourage and permit flexibility and design, placement of buildings, use of open spaces, circulation facilities, parking areas, and to best utilize the potential of sites characterized by special features of geography, topography, size or shape of proposed uses of land.

17.52.020 Permitted uses.

The following are permitted uses in the PUD zone: unlimited, pending final approval of the development plan. [Ord. 1272 § 17-3-10.1, 1980.]

17.52.040 Administering authority.

A. Official Agency. The Planning Commission shall conduct public hearings after at least five days' published notice to review proposed planned unit development and make appropriate recommendations to the City Council.

B. Reviewing Agencies. Upon filing of a preliminary plan application for a planned unit development with the office of the City Manager, he shall supply a copy for their review and comments, if in the City Manager's sole discretion it is appropriate, to:

1. City Director of Public Works;
2. Yakima County Clean Air Authority;
3. Sunnyside Valley or Snipes Mountain Irrigation Districts;
4. City Fire Department;
5. City Police Department;
6. Yakima County Health District;
7. Yakima County Department of Public Works;
8. Sunnyside School District No. 201;
9. Washington State Department of Ecology;
10. Local office of the U. S. Soil Conservation Service;
11. The office of any electrical distribution companies servicing the area;
12. The office of any telephone companies servicing the area;
13. The office of any natural gas companies servicing the area;
14. Any other affected utility company or special district;
15. Garbage contractors;
16. Washington State Department of Social and Health Services;
17. Sunnyside Port Authority;
18. Sunnyside Chamber of Commerce.

C. Approving Agency. The City Council, upon consideration of the recommendations of the Planning Commission, and at a public hearing, after at least five days published notice, shall be the final approving agency for PUD zone determination.

17.52.050 Planned Unit Development zone designation.

The final approval of a planned unit development under the procedure detailed in this section shall amend the existing zone designation of the parcel to a zone designation of planned unit development.

A. Annexations. Annexations may receive a Planned Unit Development zone designation.

B. Time Limitations. If there is no substantial design or building activity by the time limit established in the plan, the Planning Commission and City Council shall hold appropriate hearings and rezone the parcel taking into consideration the current comprehensive plan, unless the owner/developer can show good causes why such should not be effective.

C. Partial Development of a Planned Unit Development. In a planned unit development project where partial development has occurred but has not been completed according to a specified time schedule as amended or extended, and after 30 days' notice to the developer, a hearing

will be held before the Planning Commission to determine if action should be taken to conduct hearings to rezone part or all of the planned unit development area. [Ord. 1272 § 17-3-5, 1980.]

17.52.060 Design standards and procedures.

A. Subdivision Requirements. Property within a planned unit development shall be subject to and comply with relevant subdivision laws.

B. Review of Criteria and Checklist. The following shall be considered in the review of the planned unit development application in light of the purposes stated in SMC 17.52.010:

1. Topography;
2. Geologic hazard;
3. Access;
4. Open space;
5. Densities;
6. Compatibility with comprehensive plan;
7. Vehicular and pedestrian circulation to and within the project;
8. Utility and other easements;
9. Setbacks;
10. Height limitations;
11. Flood Insurance Administration requirements;
12. Surface drainage;
13. Sub-surface drainage;
14. Occupancy schedule;
15. Other pertinent considerations. [Ord. 1272 § 17-3-10.5, 1980.]

17.52.070 Procedure for approval of planned unit developments.

The approval of a Planned Unit Development zone and project shall be by City Council, upon recommendation by the Planning Commission, and shall be posted in accordance with the following procedures:

A. Who May Apply. Any owner, legally authorized representative, or group of owners of contiguous property acting jointly may submit an application for planned unit development.

B. Informal Meetings. Prior to making application for preliminary approval, the developer shall meet with the City staff to study and review the proposed planned unit development. The developer shall prepare and submit to the City Manager six copies of a tentative application with the vicinity and site maps containing the information required by the review department.

C. Documentation Required with Application.

1. Vicinity Map. A vicinity map drawn to an appropriate scale which shall show all adjacent subdivisions, true north arrow, type of existing land use, and street and tract lines of acreage parcels with the names of owners of record. The map shall show the streets in the proposed planned unit development and their relationship with existing and proposed streets in adjacent subdivisions or undivided properties.

2. Site Maps. A map or maps drawn to a scale of not less than one inch representing 40 feet, unless a different scale is approved, showing the following proposals:

- a. Names and dimensions of streets bounding or touching the site;
- b. Pedestrian and vehicular circulation patterns;
- c. Buildings, including identification of types and number of dwelling units in each, or use of buildings;
- d. Dimensions between buildings and setbacks;
- e. Off-street parking facilities;
- f. Areas to be landscaped;
- g. Existing and proposed drainage systems;
- h. Locations, dimensions, use of area of common and private open space;

- i. Location of public and private utilities;
 - j. Contour map at a scale of one inch representing 40 feet:
 - i. Two-foot elevation intervals for slopes less than 10 percent;
 - ii. Five-foot elevation intervals or slopes more than 10 percent elevation shall be based on U.S. Coast and Geodetic Survey datum;
 - k. Grading plans;
 - l. Landscaping plans;
 - m. Any other pertinent information required to review the planned unit development.
3. **Building Elevations.** Elevation or perspective drawing to scale to illustrate the architect's order of structure.
4. **Written Information.** In addition to the information noted above, the developer shall submit a written statement with the necessary illustrations providing the following information:
- a. Legal description of property;
 - b. Program for development, including staging or timing of development;
 - c. Proposed ownership pattern upon completion of development;
 - d. Basic content of restrictive covenant;
 - e. Provisions to ensure performance and maintenance of common open space through home owners' association formation, condominium development, or other means acceptable to the City;
 - f. Statement or tabulation of dwelling unit densities proposed and number of anticipated employees;
 - g. Statement describing the relationship of the proposed planned unit development to the City's comprehensive plan;
 - h. Maintenance assurance: streets, open space and other items;
 - i. Occupancy schedule;
 - j. Environmental checklist;
 - k. Other information which may be requested by the City for adequate review of the proposal.

D. Preliminary Plan. A preliminary development plan shall be submitted to the City Manager and shall include the general intent of the development, documentation as listed in subsection (C) of this section, rezone application and such other information for documentation which the City Manager shall require. The City Manager shall determine that the plans comply with the development policies of this section. At a public hearing, the City Council, upon recommendation of the Planning Commission, shall approve, modify or deny the planned unit development preliminary plan and rezone application.

E. Filing of Application. The application for preliminary approval of the planned unit development shall be filed with the City Manager, accompanied by a base fee calculated as specified in SMC 2.02.020.

In calculating the fee, using both the base fee factor and density factor, a fraction of one acre shall be considered a whole acre.

F. Timely Review by City Staff. Within 45 days following the completion of the environmental review process of a planned unit development preliminary plan, the City staff shall meet with the applicant to review the preliminary plan. At the first Planning Commission meeting following the City staff/applicant review meeting, the Planning Commission shall set the date for public hearing on the planned unit development preliminary plan, which shall be the next regular scheduled Planning Commission meeting.

G. Planned Unit Development Zone Approval. Approval of the Planned Unit Development zone designation and the approval of the preliminary planned unit development plan by the Council shall be concurrent.

H. Final Plan – Extension of Time.

1. The developer, within one year of approval by the City Council of the preliminary plan, shall submit to the Planning Commission a final development plan showing the ultimate design and specific details of the proposed planned unit development or the appropriate phase or phases thereof. The City Council, upon recommendation of the Planning Commission, shall approve, modify, or deny the final plan. At the time of the application for the approval of the final plan, the petitioner/applicant shall pay a fee of \$50.00.
2. Upon application by the developer, the Planning Commission may grant an extension of time. If the final development plan is not filed within such one year or within the extended period(s) if any, the Planning Commission and City Council shall hold appropriate hearings and rezone the parcel to a zone designation in consideration of the comprehensive plan.
- I. Sale of Planned Unit Development. If the developer sells the parcel or a portion of the parcel after preliminary approval, such sale shall not prevent final approval of the planned unit development, providing that any succeeding owner agrees in writing to comply with the plan and the requirements of this section.
- J. Filing and Recording of Final Plan and Agreements. The final development plan, any agreements or agenda shall be recorded in the office of the Yakima County Auditor at the expense of the applicant and shall be binding upon the successors in the interest of the applicant(s).

17.52.080 Building permits.

Building and other permits shall be issued for the construction in planned unit development areas only in accordance with the final plan and program elements as approved by the City Council.

17.52.090 Minor and major adjustments after final approval.

A. Minor Adjustments. Minor adjustments may be made and approved by the City Manager, or his designee, when a building permit is issued. Minor adjustments are those changes which may affect the precise dimensions and location of buildings, which do not affect the basic character or arrangement of buildings, the density of the development, or the open space requirements.

B. Major Adjustments. Major adjustments are those which change the basic design, density or open space requirements of the planned unit development. When such change constitutes a major adjustment, it shall be subject to review and approval by the Planning Commission and City Council as if such major adjustment were an original application for a planned unit development, except no additional fees will be charged.

9. **City of Sunnyside Comprehensive Plan Goals, Policies, and Objectives:** The proposed application complies and promotes the following goals, policies, and objectives of the Sunnyside Comprehensive Plan (Comprehensive Plan Goals and Objectives below are expanded from the initial staff report, presented during the November 14, 2023 public hearing, to include the Planning Commission's recommendation annexation zoning from R-1 to PUD):

- **LAND USE GOALS AND OBJECTIVES**

- GOAL 4: To pursue well-managed, orderly expansion of the urban area in a manner that is within the sustainable limits of the land.
 - Policy 4.1 The future distribution, extent, and location of generalized land uses will be established by the Future Land Use Map contained within the plan.
 - Policy 4.4 Discourage incompatible uses from locating adjacent to each other. Encourage protection of other land uses from the negative impacts of industrial uses through appropriate siting, setbacks, landscaping and buffering. Goal 2 - Residential areas that are safe, sanitary and attractive places to live will be established and maintained in Sunnyside.

- GOAL 7: To preserve the character, agricultural heritage, and quality of life in Sunnyside and the surrounding rural areas that are part of the community.
 - Policy 7.2 Establish a pattern of development that supports a sense of community.
- **ECONOMIC DEVELOPMENT GOALS AND OBJECTIVES**
 - GOAL 4: Ensure an adequate supply of commercial and industrial sites to provide the opportunity for new and expanding firms desirous of locating or remaining in the City.
 - Policy 4.1 Support public and private sector efforts to develop marketable industrial properties served by utilities and public infrastructure.
 - GOAL 7: Attract new business and investment to the City.
 - Policy 7.2 Encourage new industry to locate in the area by providing a surplus of industrial zoned properties with infrastructure capacity supporting the new development.
 - GOAL 8: Assist in the development of small business start-ups and local entrepreneurial activity.
 - Policy 8.3 Support home-based businesses that are compatible with existing neighborhoods through the administration of sensible zoning and code enforcement regulations.

CONCLUSIONS

1. The zoning code does establish specific criteria for review and approval of the annexation of an individual parcel within the Growth Management Area into the Sunnyside City limits.
2. Per SMC 19.01.030, the Planning Commission has the authority to recommend an action to the Sunnyside City Council.
3. Sunnyside City utility services are available to the Site.
4. Comprehensive Plan Consistency: The proposed zoning is consistent with the future land use map in the City of Sunnyside comprehensive plan.
5. Consistent with surrounding zoning: As shown on the attached zoning map the proposed zoning of PUD would be consistent with the surrounding zoning.

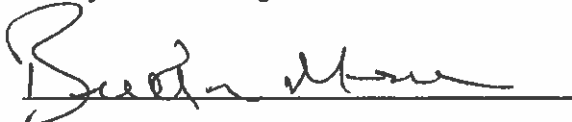
MOTION

Based on the testimony and evidence presented during the public hearing, it was moved and seconded that the City of Sunnyside Planning Commission approve with modification the Planning Division's recommendation of annexation into Sunnyside City limits, draft findings of fact in support of the proposal, and forward a recommendation of approval to the Sunnyside City Council. The motion carried 5-0.

RECOMMENDATION TO CITY COUNCIL

The Planning Commission of the City of Sunnyside, having received and considered all evidence and testimony presented at the public hearing, and having received and reviewed the record herein, hereby recommends that the City Council of the City of Sunnyside **APPROVE** the proposed Annexation and the Rezone from Low Density Residential (R-1) to Planned Unit Development (PUD) for file ANX-23-2 and forward the application to the Yakima County Boundary Review Boards.

Brittan Moore, Chair
Sunnyside Planning Commission



Date

11 / 20 / 23

**PETITION FOR ANNEXATION
TO THE CITY OF SUNNYSIDE,
WASHINGTON**

**To: City Council of the City of Sunnyside
818 East Edison Avenue
Sunnyside, Washington 98944**

City Council:

We, the undersigned, being a majority of the registered voters residing in the area for which annexation is sought, and/or owners of a majority of the acreage for which annexation is petitioned, hereby petition that the real property described below, being contiguous to the City of Sunnyside, be annexed to and made a part of the City of Sunnyside pursuant to the provisions of Chapter 35A.14 of the Revised Code of Washington.

Pursuant to such statute, the Petition for Annexation must be signed by the owners of a majority of the acreage for which annexation is petitioned, and a majority of the registered voters residing in the area for which annexation is petitioned. If no residents reside within the area proposed for annexation, the Petition must be signed by the owners of a majority of the acreage for which annexation is petitioned. The undersigned state and aver that:

_____ (a) This Petition for Annexation includes both owners of a majority of the subject property AND a majority of the registered voters residing on such property; OR

 X (b) No residents exist within the area proposed for annexation, and this Petition is signed only by owners of a majority of the acreage for which annexation is petitioned.

Legal Description and Map: Attached to this Petition for Annexation, and incorporated herein as Exhibit "A" by this reference, is a legal description of the property for which annexation is petitioned. Attached hereto as Exhibit "B" and incorporated herein by this reference is a map that outlines the boundaries of the property sought to be annexed.

Conditions of Annexation: The City Council of the City of Sunnyside on

_____ found and ordered: (1) That the Petition for Annexation is approved for circulation and signature for the property described herein; (2) That the subject property will be subject to simultaneous adoption of a zoning regulation in substantial compliance with the Comprehensive Plan of the City of Sunnyside or other zoning regulation adopted pursuant to RCW 35A.14.; and (3) That the property subject to this Petition for Annexation shall be subject to all prior existing city indebtedness.

WHEREFORE, the undersigned respectfully petition the City Council of the City of Sunnyside as follows:

- (1) That the appropriate action be taken to receive this Petition, refer for consideration and action to the Sunnyside Planning Commission in accordance with Title 19 of the Sunnyside Municipal Code, and causing a notice of public hearing to be published and posted in accordance with law specifying the time, date and place of such hearing, and inviting all persons interested to appear and present testimony and evidence in approval or disapproval of such annexation; and
- (2) That following such hearing, 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 adopted and effective; and that the property so annexed shall become a part of the City of Sunnyside, 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 Sunnyside for any now outstanding indebtedness of said city, including assessments or taxes in payment of any bonds issued or debts contracted prior to or existing at the date of annexation, and that simultaneous adoption of proposed zoning regulation be required" in accordance with the requirements of the City Council of the City of Sunnyside, and as quoted herein from the minute entry of the records of said Council meeting. It is further understood that the proposed zoning of said area proposed for annexation shall be in substantial conformity with the Comprehensive Plan of the City of Sunnyside.

These pages are a group of pages containing identical text and prayer intended by the signers of the 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 Notice of Intention with any other than his or her true name, or who knowingly signs more than one of these petitions, or who signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

PETITION FOR ANNEXATION
SIGNATURE SHEET

1. Yolanda Phillips [Signature]
Print Name Signature
440 E Allen Rd 231032-31402
Address of property to be annexed Parcel Number(s)

Check all that apply:

☒ Property Owner ☒ Reside on property & registered voter
440 E Allen Rd 5/26/23
Residential address of signer Date of signature

2. _____
Print Name Signature

Address of property to be annexed Parcel Number(s)

Check all that apply:

____ Property Owner _____ Reside on property & registered voter

Residential address of signer Date of signature

3. _____
Print Name Signature

Address of property to be annexed Parcel Number(s)

Check all that apply:

____ Property Owner _____ Reside on property & registered voter

Residential address of signer Date of signature

WARNING

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

4.

Print Name

Signature

Address of property to be annexed

Parcel Number(s)

Check all that apply:

____ Property Owner ____ Reside on this property and registered voter

Residential address of signer

Date of signature

5.

Print Name

Signature

Address of property to be annexed

Parcel Number(s)

Check all that apply:

____ Property Owner ____ Reside on this property and registered voter

Residential address of signer

Date of signature

6.

Print Name

Signature

Address of property to be annexed

Parcel Number(s)

Check all that apply:

____ Property Owner ____ Reside on this property and registered voter

Residential address of signer

Date of signature

**NOTICE OF INTENTION TO COMMENCE
ANNEXATION PROCEEDINGS**

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

City Council:

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

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

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

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

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

Principal contact person for this annexation is:

Name: Volanda Phillips Phone 509 840 3015

Address: 4410 E. Allen Road.

Why is annexation being requested? To add a residential structure in order to care for family and present property.

What is intended use?
Present: currently land zoned B2 and requesting residential.
Future: Residential, sub divided into 2 plots.

WARNING

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

- | | <u>Name/Address/Parcel No(s)</u> | |
|----|---|---|
| 1. | <u>Yolanda Phillips</u>
Print Name | <u>[Signature]</u>
Signature |
| | <u>440 E. Allen Road</u>
Address of Property to be annexed | <u>231032-31402</u>
Parcel Number(s) |
| | <u>440 E. Allen Road.</u>
Address of owner | <u>5/26/23</u>
Date of Signature |
| 2. | _____
Print Name | _____
Signature |
| | _____
Address of Property to be annexed | _____
Parcel Number(s) |
| | _____
Address of owner | _____
Date of Signature |
| 3. | _____
Print Name | _____
Signature |
| | _____
Address of Property to be annexed | _____
Parcel Number(s) |
| | _____
Address of owner | _____
Date of Signature |
| 4. | _____
Print Name | _____
Signature |
| | _____
Address of Property to be annexed | _____
Parcel Number(s) |
| | _____
Address of owner | _____
Date of Signature |

WARNING

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

5. Yolanda Phillips X [Signature]
Print Name Signature
440 E. Allen Road 231032 - 31402
Address of Property to be annexed Parcel Number(s)
440 E. Allen Road 5/26/23
Address of owner Date of Signature

6. _____
Print Name Signature

Address of Property to be annexed Parcel Number(s)

Address of owner Date of Signature

7. _____
Print Name Signature

Address of Property to be annexed Parcel Number(s)

Address of owner Date of Signature

8. _____
Print Name Signature

Address of Property to be annexed Parcel Number(s)

Address of owner Date of Signature

2904520

FILED FOR RECORD AT REQUEST OF:
Hart and Winfree
NAME: HART and WINFREE
ADDRESS: P.O. Box 210
CITY AND STATE: Sunnyside, WA 98944

YAKIMA COUNTY
WASH
FILED BY
Oct 10 12 32 PM '98
BETTIE INGRAM
AUDITOR

THIS SPACE RESERVED FOR
RECORDER'S USE

2904520

QUIT CLAIM DEED

THE GRANTOR, DENA M. PHILLIPS, as her separate property, for and in consideration of Love and Affection and as a Gift, conveys and quit claims to KRISTOPHER A. PHILLIPS, as his separate property, the following described real estate, situated in the County of Yakima, State of Washington, including any after acquired title:

Lot 2 of Short Plat as recorded in Volume "L" of Plats, page 72, records of Yakima County, Washington.

Assessor's Parcel No. 231032-31402

Dated October 9, 1990.

COUNTY EXCISE TAX
DATE 10-10-98
PAID \$ 2498.93
REC. NO. 249893
BY Betty Ingram
Treasurer
Yakima County

2904520

FILED FOR RECORD AT REQUEST OF:

Hart and Winfree

NAME: HART and WINFREEADDRESS: P.O. Box 210CITY AND STATE: Sunnyside, WA 98944YAKIMA COUNTY
WASH
FILED BY

OCT 10 12 32 PM '90

BETTIE INGRAM
AUDITORTHIS SPACE RESERVED FOR
RECORDER'S USE

2904520

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Assessor's Parcel No. 231032-31402

Dated October 9, 1990.

COUNTY EXCISE TAX

DATE 10-10-90PAID \$ 7.00REC. NO. 249893BY Betty Leadley
TACE A. GRAY, Yakima County Treasurer

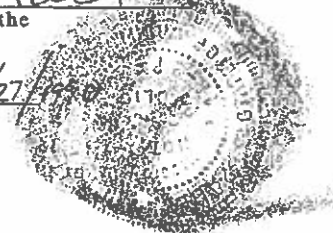
Dena M. Phillips
DENA M. PHILLIPS

STATE OF WASHINGTON)
) ss
County of Yakima)

I certify that I know or have satisfactory evidence that DENA M. PHILLIPS signed this instrument and acknowledged it be to her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: October 9, 1990.

Paul E. Hart
NOTARY PUBLIC in and for the
State of Washington, residing
at Sunnyside.
My appointment expires: 11/27/1990



NOTARY PUBLIC in and for the
State of Washington, residing
at Sunnyside.
My appointment expires: 11/27

* Receipt: 238197 05/31/2023
Acct #: 5995
CITY OF SUNNYSIDE
818 E. EDISON AVE
SUNNYSIDE, WA 98944
509-837-3782

PHILLIPS YOLANDA
440 E ALLEN RD
SUNNYSIDE, WA 98944

BUILDING PERMITS - BIAS

Inv#: 13507 Amt Paid: 363.83

Non Taxed Amt: 363.83

Total: 363.83

CC: 145896699 363.83

Ttl Tendered: 363.83

Change: 0.00

Issued By: Debbie Espinoza
06/01/2023 06:37:14



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

**NOTICE OF PUBLIC HEARING
ANNEXATION SMC § 19.01.030**

DATE: October 17, 2023
TO: Applicant and Adjoining Property Owners
FROM: Sydney DeWees, City Planner
APPLICANT: Yolanda Phillips
FILE NUMBER: ANX-23-2
LOCATION: 440 East Allen Road, Sunnyside, WA 98944
TAX PARCEL NUMBER(S): 231032-31402
DATE OF APPLICATION: May 26, 2023
DATE OF COMPLETENESS: August 24, 2023

PROJECT DESCRIPTION: The City of Sunnyside received an application from Yolanda Phillips for an annexation application for the property located at 440 East Allen Road to be annexed within to the Sunnyside City limits with a zoning designation as Low Density Residential (R-1).

NOTICE OF PUBLIC HEARING: This request requires that the Planning Commission hold an open record public hearing, which is scheduled for **November 14th, 2023, at 5:30 p.m.**, at the Law and Justice Center, 401 Homer St, Sunnyside, WA 98944. Any person desiring to express their views on the matter is invited to attend the hearing to provide testimony. Please reference file numbers (ANX-23-2) and applicant's name (Yolanda Phillips) in any correspondence you submit. Submitted comments will be included in the staff report up until November 1st. You can mail your comments to:

**Sydney DeWees, City Planner for the City of Sunnyside
Office of Community Development
818 E. Edison Ave., Sunnyside, WA 98944**

NOTICE OF DECISION: Following the public hearing, the City Council will issue a decision. When available, a copy of the decision will be mailed to parties of record and entities who were provided this notice. The file containing the complete application is available for public review at the City of Sunnyside, City Hall – 818 E. Edison Ave., Sunnyside, WA 98944. If you have questions regarding this proposal, please call (509) 837-7999, or e-mail to tmartin@sunnyside-wa.gov

S.V.I.D.
P.O. Box 239
Sunnyside, WA 98944

Fire Chief
Fire District #5
P.O. Box 447
Zillah, WA 98953

Sunnyside School District
Attn: Kevin McKay
1110 S. 6th Street
Sunnyside, WA 98944

Yakima Valley
Conference of Governments
info@yvcog.org
lynn.deitrick@yvcog.org

Yakima Valley Libraries
referenceyvl@yvl.org

Juan Aguilar
303 N 27th Ave
Yakima, WA 98902

BRB Attorney
Corporate Counsel
Don Anderson
Don.anderson@co.yakima.wa.us

BOCC
Julie.lawrence@co.yakima.wa.us
Linda.ohara@co.yakima.wa.us

Yakima County
Assessor's Office

Yakima County
Treasurer's Office
treasacc@co.yakima.wa.us

Yakima County Auditor's Office
Election Division
Kathy Fisher
Kathy.fisher@co.yakima.wa.us

Yakima County Sheriff Office
sheriff@co.yakima.wa.us

Yakima County
Public Services Director
Lisa Freund
Lisa.freund@co.yakima.wa.us

Yakima County
Planning Services
Tommy Carroll
Thomas.carroll@co.yakima.wa.us

Yakima County
Building & Fire Safety Services
Marivel Garcia
Marivel.garcia@co.yakima.wa.us

Yakima County
Code Enforcement Services
Tua Vang
Tua.vang@co.yakima.wa.us

Yakima County
Environmental Services
David Haws
davidh@co.yakima.wa.us

Yakima County
Water Resources
Troy.havens@co.yakima.wa.us

Yakima County
GIS
GIS@co.yakima.wa.us

Yakima County Roads
Matt Pietrusiewicz
Matt.pietrusiewicz@co.yakima.wa.us

Yakima County
Water Resources
Jack.wells@co.yakima.wa.us

Yakima County
Parks and Trails
Jason Alvord
Jason.alvord@co.yakima.wa.us

South Yakima
Conservation District
rh@syacd.us
lc@syacd.us

Yakama Nation
jessica@yakama.com
corrine_camuso@yakama.com
enviroreview@yakama.com

WSDOT South Central Region
Paul Gonseth
gonsetp@wsdot.wa.gov

Superintendent
Bureau of Indian Affairs
PO Box 632
Toppenish, WA 98948

John Puccinelli
4102 Donald Dr
Yakima, WA 98908

Sunnyside City Hall
818 E. Edison
Sunnyside, WA 98944

For final ordinance mailing only:
Ryan Calhoun
John Stanton
Carmen Hayter

Casey Dunbar

From: Casey Dunbar
Sent: Wednesday, January 17, 2024 8:23 AM
To: YVCOG INFO; referenceyvl@yvl.org; Don Anderson; 'linda.ohara@co.yakima.wa.us'; Julie Lawrence; Treasurer Accounting; Kathy Fisher; Sheriff; Lisa Freund; Thomas Carroll; Marivel Garcia; Tua Vang; David Haws; Troy Havens; GIS; Matt Pietrusiewicz; Jack Wells; Jason Alvord; Rodney Heit; Laurie Crowe; jessica@yakama.com; corrine_camuso@yakama.com; THPO@yakama.com; Paul Gonseth
Subject: BRB2024-00001 Notice of Intention - Phillips Annexation
Attachments: BRB2024-00001 Notice of Intention - Phillips Annexation.pdf

Casey Dunbar

SHE/HER/MS.

Planning Office Specialist

128 N 2nd St, 4th Floor

Yakima, WA 98901

(509)574-2300

Casey.dunbar@co.yakima.wa.us

This email and replies to it are subject to public disclosure under Washington state statute (RCW 42.56 - Public Records Act).

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FILE NO.: BRB2024-00001
NOTICE OF INTENTION – PHILLIPS ANNEXATION

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

I, Casey Dunbar, being first duly sworn, and as an employee of the Yakima County Public Services, Planning Division, dispatched through the United States Mails, or otherwise by electronic mail, a NOTICE OF INTENTION – PHILLIPS ANNEXATION, a true and correct copy of which is enclosed here-with; that a NOTICE OF INTENTION – PHILLIPS ANNEXATION was addressed to the applicant and agencies pursuant to Yakima County Code Title 16B.05, that said parties are individually listed on the Mailing List retained by the Planning Division and that said notice was mailed by me on the 17th day of January, 2024.

That I mailed said notice in the manner herein set forth and that all of the statements are made herein are just and true. Dated this 17th day of January, 2024.


Casey Dunbar
Office Specialist