

Return Address:

Yakima County Commissioners
128 N 2nd St Room 232
Yakima WA 98901

Title: Ordinance 6-2006

Reference: Prohibiting further Subdivision on Certain Properties Until Such Time as Specific Improvements to Maple Avenue are Completed.

Grantor:

Yakima County Public Services
128 North 2nd Street
Yakima WA 98901

Grantee:

Yakima County Commissioners
128 North 2nd Street
Yakima WA 98901

Ordinance 6-2006 Prohibits Further Subdivision of Parcels 191315-11003, 191315-21003, 191315-24002, 191315-31410, 191315-31429, 191315-31430, 191315-31431, 191315-31434, 191315-31442, 191315-31443, 191315-31445, 191315-31446, 191315-31448, 191315-31452, 191315-42008 Until Such a Time as Specific Improvements to Maple Avenue are Completed.



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BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE NO 6-2006

IN THE MATTER OF AN ORDINANCE PROHIBITING FURTHER SUBDIVISION ON CERTAIN PROPERTIES UNTIL SUCH TIME AS SPECIFIC IMPROVEMENTS TO MAPLE AVENUE ARE COMPLETED.

An Ordinance requiring street improvements prior to further subdivision of certain properties in order to require certain improvements as a condition to development and provide notice to property owners and potential purchasers that property in a certain area may be subject to reimbursement assessments.

WHEREAS, RCW 35.72 grants the legislative authority of Yakima County to contract with owners of real estate for the construction or improvement of street projects which owners elect to install as a result of ordinances that require the projects as a prerequisite to further property development; and,

WHEREAS, RCW 35.72 may only be applied when an ordinance exists that requires the street improvement as a prerequisite to further property development; and,

WHEREAS, this ordinance provides advance notice that RCW 35.72 may be implemented after the establishment of this ordinance, but does not necessitate the establishment of an assessment reimbursement contract; and,

WHEREAS, RCW Chapter 35.72 provides for the creation of assessment reimbursement contracts, or Latecomer Agreements, for road and street improvements; and,

WHEREAS, the existence of an ordinance that requires improvement as a condition to development provides notice to potential purchasers that property in the area may be subject to reimbursement assessments; and,



WHEREAS, the need for the existence of an ordinance prior to the application of RCW Chapter 35.72 was specifically indicated in a Washington State Court of Appeals case [69 Wn. App. 1, 847 P.2d 501, WOODCREEK PARTNERSHIPS v. PUYALLUP]; and,

WHEREAS, several properties in the Terrace Heights area of the County are subject to the requirement to improve Maple Avenue from Hillcrest Drive to Sycamore Avenue to a paved County Collector Arterial standard section; and,

WHEREAS, Yakima County Code Chapter 14.52.040 requires County urban street standards for County access roads; and,

WHEREAS, on January 18, 2005, Sullivan Homes, Incorporated, owner of Mt. Adams Estates, which is one of the properties subject to the above condition, elected to install street improvements at their expense; and,

WHEREAS, on January 18, 2005, Sullivan Homes, Incorporated, proposed to the County that a Latecomers Agreement be created; and,

WHEREAS, the County Engineer has determined that a Latecomers Agreement may be feasible, and best serves the County and the parties involved; and,

WHEREAS, Board of Yakima County Commissioners Resolution No. 110-2005 directs the County Engineer to prepare a Preliminary Determination of area boundaries and assessments, along with a description of the property owners' rights and options as required by law, and report back to the Board of County Commissioners; and,

WHEREAS, Board of Yakima County Commissioners Resolution No. 110-2005 further resolves that upon a review and finding of sufficiency of said Preliminary Determination, a Public Hearing shall be set thereon, and notice shall be given to all affected property owners as required by law; and,



WHEREAS, the County Engineer has prepared a Preliminary Determination of area boundaries and assessments and has reviewed and found the Preliminary Determination to be sufficient; and,

WHEREAS, prior to setting a Public Hearing on the issue of the establishment of a reimbursement area, an ordinance must be established prior to the application of RCW Chapter 35.72, and;

WHEREAS, this ordinance does not require the County to undertake the process for establishing a reimbursement agreement as provided for in RCW Chapter 35.72, but does enable the County to proceed with that process, and;

WHEREAS, the Board of Yakima County Commissioners has heretofore examined and understands the scope and purpose of this regulations adopted under this ordinance and the amendments and additions thereto, and deems it to be in the public interest and for the general health, safety and welfare of the citizens of the County that such codes and amendments and additions thereto be adopted as the law of the County of Yakima: and,

WHEREAS, pursuant to RCW 36.32.120(7), a duly notice public hearing was held regarding the adoption of this ordinance and that one (1) copy of each code and regulation adopted hereunder together with a copy of this ordinance specifying amendments and additions thereto were filed in the County Auditor's Office ten (10) days prior to the public hearing; and all persons desiring to speak for and against the adoption of this ordinance and the amendments and supplements thereto have been heard as required by law; now therefore,

BE IT ORDAINED BY THE BOARD OF YAKIMA COUNTY COMMISSIONERS AS FOLLOWS:

No further subdivision shall take place on the properties identified in Section 1 below until such time as the road improvements identified herein are completed, subject to the Exceptions also contained herein:



SECTION 1. Properties:

Parcel Number	Parcel Owner
191315-11003	Cascade Property Ventures LLC
191315-11003	Cascade Property Ventures LLC
191315-21003	Highlands at Yakima Ridge LLC
191315-21003	Highlands at Yakima Ridge LLC
191315-24002	S R Homes LLC
191315-31410	Bradley Huber
191315-31429	Feliciano Escamilla
191315-31430	Luis & Rosie Escamilla
191315-31431	Jaime & Silvia Pulido
191315-31434	Dennis & Sharon Hedrick
191315-31442	Bradley Huber
191315-31443	Karl & Lore Idler Trust
191315-31445	John T & Catherine Fisher
191315-31446	Jerry M & Evelyn Horn
191315-31448	Bruce & Sylvia Kirkham
191315-31452	Kraft Construction Inc
191315-42008	Bern H & Teresa L Ilenstine

SECTION 2. Road Improvements:

Improvements to the road segment of Maple Avenue from the centerline of Hillcrest Drive to the northern right-of-way line of Sycamore Avenue to the level of current County standards for urban collector roads, including, but not limited to, pavement, curbs, gutters, sidewalks, and lights.

SECTION 3. Exceptions:

- a) This ordinance shall not prohibit the subdivision of any property listed herein to occur, provided that the Road Improvements identified in Section 2 are made concurrently with the subdivision or, provided; that a satisfactory financial guarantee for the Road Improvements is provided in accordance with RCW 58.17.130.
- b) This Ordinance shall not apply to the subdivision of that portion of Parcel # 191315-11003 known as "Phase 1" of the "Yakima Ridge" subdivision, in accordance with the "Amended Findings and Decision of the Administrative Official", File SUB 04-038, as modified and reissued on February 15, 2005.



SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon adoption by the Board of County Commissioners.

Adopted this 8th day of August, 2006

BOARD OF YAKIMA COUNTY COMMISSIONERS



Jesse S. Palacios, Chairman



Michael D. Leita, Commissioner



Ronald F. Gamache, Commissioner
*Constituting the Board of County commissioners for Yakima
County, Washington*

Approved as to Form:

By: 

Deputy Prosecuting Attorney

Attest:

By: 

Christina Steiner
Deputy Clerk of the Board

