

**ORIGINAL**

ORDINANCE NO. 2011 – 11

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SUNNYSIDE, WASHINGTON, ESTABLISHING THE ZONING OF  
PROPERTY (116.49 acres) TO M-1, LIGHT INDUSTRIAL FOR  
PORT OF SUNNYSIDE**

**WHEREAS**, the Port of Sunnyside, has submitted an application to establish the zoning for three parcels (Yakima County Assessor's Parcel Number 231029-22007; 12002; and 11010), which are 116.49 acres in size, situated within the corporate limits of the City of Sunnyside, generally located near the intersection of SR 241 and Sheller Road, legally described as:

The North half of the North half of Section 29, Township 10 North, Range 23 East W.M., EXCEPT that portion lying East of the Sunnyside Irrigation District Canal #17, and EXCEPT that portion lying North and Westerly of the following described line. Beginning at the Southwest corner of the North half of the Northwest quarter of the Northwest quarter of Section 29, Township 10 North, Range 23 East, thence Easterly along the South line of Lots 1 and 3 of Short Plat 96-241, records of Yakima County, and along the South line of Lots 2, 3 and 4 of Short Plat Q-60, records of Yakima County, thence North along the East line of Lot 4 to the Northeast corner of said Lot 4 and terminus of said line.

and as shown on the map attached hereto jointly as Exhibit "A" and incorporated herein by this reference; and

**WHEREAS**, the Applicant is requesting that the zone classification for the subject property be M-1, Light-Industrial, as set forth in Chapter 17.56 of the Sunnyside Municipal Code; and

**WHEREAS**, the Planning Commission conducted a public hearing on April 12, 2011, pursuant to notice duly published, to receive public testimony and evidence concerning such requested rezone, and, having received and

considered all testimony and evidence presented, adopted Findings and Analysis and made recommendation for approval; and

**WHEREAS**, the City Council has received the recommendation of the Planning Commission, and has held an open record hearing on May 23, 2011 to consider legislative action to effect a zoning district and comprehensive plan amendment to establish the zoning designation of the subject property pursuant to such recommendation and record herein; and

**WHEREAS**, the City Council has received and reviewed the record of the hearing before the Planning Commission and recommendation therein; and

**WHEREAS**, the City Council concurs with the findings, conclusions and recommendation of the Planning Commission herein, and adopts such Findings and Analysis thereof; and

**WHEREAS**, the City Council approved said rezone during a regular business meeting on May 23, 2011, but said ordinance was not published in accordance with RCW 35A.13.190 and .200, and was not numbered; and

**WHEREAS**, the City Council's decision to adopt the present ordinance necessitates that the un-numbered ordinance adopted May 23, 2011 concerning this same rezone, to the extent valid or enforceable, should be repealed, and replaced; and

**WHEREAS**, the City Council finds and determines that such requested rezone should be approved, and that such approval 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:**

**Section 1.** That un-numbered ordinance adopted by the City Council on May 23, 2011 concerning said rezone is hereby repealed.

**Section 2.** The zone classification of the subject property, consisting of 116.49 acres in three parcels currently described as Yakima County Assessor's Parcel Numbers 231029-22007; 12002; and 11010 located within and upon the property near the intersection of SR 241 and Sheller Roads, Sunnyside, Washington, all as shown on the map attached hereto as Exhibit "A" and incorporated herein, is hereby established as M-1, Light-Industrial, all subject to Chapter 17.56 of the Sunnyside Municipal Code.

**Section 3.** The official zoning map of the City of Sunnyside is hereby amended in conformity with this Ordinance, and the Comprehensive Plan of the City of Sunnyside is hereby deemed amended as necessary or appropriate to accomplish the purposes of this Ordinance.

**Section 4.** Except as amended herein the zoning designations and Comprehensive Plan of the City of Sunnyside shall remain unchanged.

**Section 5.** Copies of this Ordinance will be provided to all appropriate state and county agencies as required by law.

**Section 6.** This Ordinance shall be in full force and effect five (5) days after passage, approval and publication as required by law.

**PASSED** this 22<sup>nd</sup> day of August, 2011.

  
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JAMES RESTUCCI, MAYOR

ATTEST:

  
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DELILAH SAENZ, CITY CLERK

APPROVED AS TO FORM:

  
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Menke Jackson Beyer Ehlis & Harper LLP  
Attorneys for the City of Sunnyside

