

ORIGINAL

RESOLUTION 2011 - 71

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, REFERRING CERTAIN
APPLICATIONS OF MBM DEVELOPMENT TO THE
CITY OF SUNNYSIDE HEARING EXAMINER**

WHEREAS, the City of Sunnyside uses a hearing examiner system for certain land use and other matters as may be allowed by Ch. 2.46, Sunnyside Municipal Code (“SMC”), and other applicable law; and

WHEREAS, the City received a SEPA checklist dated March 15, 2011, from MBM Development for annexation and a conditional use permit application related to a proposed RV park in the vicinity of 1180 Midvale Road (hereafter the “proposal”); and

WHEREAS, the City received an authorization from Yakima County dated June 7, 2011, transferring jurisdiction regarding the proposal from Yakima County to the City pursuant to the Master Interlocal Agreement; and

WHEREAS, the City publicly issued a preliminary SEPA mitigated determination of nonsignificance for the proposal with a comment period (file no. SEP 11-01), reviewed all comments submitted thereon, and then, on August 8, 2011, issued a final SEPA mitigated determination of nonsignificance for the proposal; and

WHEREAS, the City received a notice of appeal on August 22, 2011, from Mr. James C. Carmody on behalf of the Port of Sunnyside, et al., regarding the final SEPA mitigated determination of nonsignificance; and

WHEREAS, the Sunnyside Municipal Code contains provisions at SMC 2.46.090, and other applicable sections, that allow the hearing examiner to consider applications, decide appeals, and make recommendations, each as may be applicable,

for: 1) conditional use permit applications; 2) appeals of SEPA determinations; and 3) annexations; and

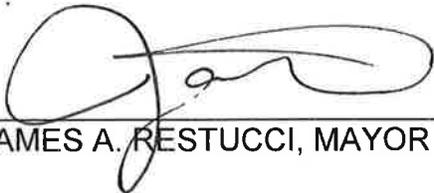
WHEREAS, consolidation of all pending matters relating to the proposal for further proceedings before the hearing examiner is appropriate so that a proper record of decision and/or recommendation may be made following an efficient and orderly public hearing process;

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

SECTION 1. The pending SEPA appeal related to the proposal shall be referred to and assigned to the City of Sunnyside Hearing Examiner for consideration and the Hearing Examiner shall have the fullest jurisdiction allowed by law to also consider the conditional use permit and annexation associated with the proposal. The Hearing Examiner shall conduct public hearings, prepare a proper record, and issue decisions and/or recommendations as may be provided for by applicable law.

SECTION 2. This resolution shall be effective upon passage, approval and signatures hereon in accordance with law.

PASSED this 26th day of September, 2011.



JAMES A. RESTUCCI, MAYOR

ATTEST:



DELILAH SAENZ, CITY CLERK

APPROVED AS TO FORM:



MENKE JACKSON BEYER EHLIS & HARPER, LLP
Attorneys for the City of Sunnyside