

**ORDINANCE 2023 - 17**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF SUNNYSIDE, WASHINGTON,  
FOR PARCELS 221028-12006, 221028-12001, 221028-11003,  
221028-11002, 221027-12006, & 221027-21001, AMENDING  
THE FUTURE LAND USE DESIGNATION FROM INDUSTRIAL  
TO MIXED-USE AND CONCURRENTLY REZONING FROM LIGHT  
INDUSTRIAL (M-1) TO PLANNED UNIT DEVELOPMENT (PUD).**

**WHEREAS**, the City of Sunnyside is required to plan under the Washington State Growth Management Act (GMA), RCW 36. 70A. 040; and

**WHEREAS**, RCW 36.70A.130 provides for continuing review and evaluation of comprehensive plans and development regulations at least every five years and for the revision or amendments to such plans not more than once a year but at least once every five years, with certain exceptions, and

**WHEREAS**, RCW 36.70A. 470 requires that counties and cities planning under RCW 36. 70A. 040 include in their development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest comprehensive plan amendment (CPA) or development regulation amendments; and

**WHEREAS**, RCW Ch. 36.70A further requires that the suggested amendments be docketed and considered not more often than once a year, consistent with the provisions of RCW 36.70A. 130; and

**WHEREAS**, SMC Ch. 19.01 provides the framework for the City of Sunnyside to Conduct Comprehensive Plan Amendments; and

**WHEREAS**, on February 13, 2023, the City Council adopted Resolution No. R-2023-03 to open the Comprehensive Plan Amendment process for 2023;

**WHEREAS**, on April 28, 2023, the City of Sunnyside submitted applications for Comprehensive Plan Amendment, Rezone, and Environmental Review ( CPA# 23-2 & SEPA#23-1) requesting to change the Future Land Use Map designation for parcels 221028-12006,221028-12001,221028-11003, 221028-11002, 221027-12006, & 221027-21001, which is legally described in Exhibit "B" attached hereto and incorporated herein by this reference, from Industrial to Mixed-Use and to concurrently rezone from Light Industrial (M-1) to Planned Unit Development (PUD); and

**WHEREAS**, the applications were considered complete for processing on May 26, 2023 and public notice was provided, in accordance with the provisions of SMC Ch 19.03 & 19.05, on July 12, 2023; and

**WHEREAS**, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on August 4, 2023, which was not appealed; and

**WHEREAS**, on September 12, 2023, the Sunnyside Planning Commission (SPC) heard the staff presentation regarding the proposed CPA and Rezone, held a public hearing, considered the public testimony; and,

**WHEREAS**, pursuant to the approval criteria set forth in SMC Ch. 17.76 and 19.01, the SPC unanimously recommended approval of the proposal; and

**WHEREAS**, the SPC recommendation and findings was signed by the Chair on September 25, 2023, a copy of which is found in Exhibit "A" attached hereto and

incorporated herein by this reference; and

**WHEREAS**, pursuant to SMC Ch. 19.06, and after the required notice was provided, the Sunnyside City Council held a public hearing on October 23, 2023, to receive public comments on the Planning Commission's recommended findings on the proposed CPA and Rezone; and

**WHEREAS**, the City Council of the City of Sunnyside, having considered the record herein and the recommendation from the SPC, the comments received at the public hearing held October 23, 2023, hereby finds and determines that approval of the requested CPA and Rezone is in the best interest of residents and the City of Sunnyside and will promote the general health, safety and welfare; now, therefore

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON:**

**SECTION 1. Findings, Analysis and Conclusions.** Subject to the specific terms of this ordinance, the Sunnyside City Council adopts the findings, conclusions, recommendations of the Planning Commission for CPA-23-1, A copy of the Planning Commission's Findings and Recommendations is attached hereto as Exhibit "A" and fully incorporated herein.

**SECTION 2. Zoning Amendment.** Any and all official Zoning or other similar maps shall be amended or modified to reclassify the subject real property set forth herein consistent with the above sections of this ordinance.

**SECTION 3. Transmittal to State.** Pursuant to RCW 36. 70A. 106, this Ordinance shall be transmitted to the Washington State Department of Commerce within ten days of adoption.

**SECTION 4. Severability/Validity.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 5. Ratification.** Any act consistent with the authority, and prior to the effective date of this ordinance is hereby ratified and affirmed.

**SECTION 6. Effective Date.** This Ordinance shall be effective five days after passage, approval and publication as required by law.

**PASSED** this 23<sup>rd</sup> day of OCTOBER 2023.

  
DEAN BROERSMA, MAYOR

**ATTEST:**

  
JACQUELINE RENTERIA, CITY CLERK

Approved as to form:  
SAXTON RILEY & RILEY, PLLC:

  
BY: BENJAMIN J. RILEY  
CITY ATTORNEYS FOR THE CITY OF SUNNYSIDE

Date of publication: November 1, 2023