

ORDINANCE 2024 - 09

**AN ORDINANCE OF THE CITY COUNCIL OF SUNNYSIDE,
WASHINGTON, REZONING PARCELS 22102641451,
22102641428, 22102641450, AND 22102641452, FROM SINGLE
FAMILY RESIDENTIAL (R-1) TO MEDIUM DENSITY RESIDENTIAL
(R-2) – HERRERA REZONE**

WHEREAS, on March 1, 2024, Christopher Herrera, submitted an application requesting the zoning classification of parcels 22102641451, 22102641428, 22102641450, and 22102641452, located in the vicinity of Columbia and Buena Vista Avenues, to be rezoned from Single Family Residential (R-1) to Medium Density Residential (R-2) on the official zoning map (hereinafter "REZ-24-1"); and,

WHEREAS, pursuant to SMC 18.04, the SEPA Administrative Official issued an Optional Determination of Nonsignificance (ODNS) on March 1, 2024, which was not appealed; and,

WHEREAS, the Future Land Use designation of the subject property is Residential, which is consistent with the proposed R-2 zoning district; and,

WHEREAS, the Planning Commission held an open record public hearing on April 8, 2024, and reviewed the Rezone application and considered any public comments; and,

WHEREAS, in accordance with SMC 19.01.030, the City Council held a closed record public hearing on May 13, 2024, to hear testimony from the public, consider the Rezone, and render a decision; and,

WHEREAS, the City Council of the City of Sunnyside, having considered the record herein and the testimony received at the public hearing held May 13, 2024, hereby finds and determines that approval of the requested Rezone is in the best interest of the 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:

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 REZ-24-1, 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. 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 4. Effective Date. This Ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 13th day of May 2024.



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: May 22, 2024

EXHIBIT A



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

**NOTIFICATION OF PLANNING COMMISSION'S RECOMMENDATION TO THE
SUNNYSIDE CITY COUNCIL & CLOSED RECORD PUBLIC HEARING**

DATE: April 22, 2024 - Revised Mailed May 6, 2024
TO: Parties of Record
SUBJECT: Notice of the Sunnyside Planning Commission's Recommendation to Sunnyside City Council
FILE#(S): REZ-24-1
APPLICANT: City of Sunnyside
PROJECT: Vicintiy of 330 Columbia Ave, Sunnysie WA
LOCATION:
PARCEL#(S): 22102641451, 22102641428, 22102641450, 22102641452

On April 9th, 2024, the City of Sunnyside Planning Commission rendered their recommendation on **REZ-24-1**, a proposal for a Nonproject Action – The City of Sunnyside is requesting a combined Comprehensive Plan Amendment and rezone to parcels 22102641451, 22102641428, 22102641450, 22102641452, which is approximately 1.06 acres of land currently zoned Low Density Residential (R-1), and is requesting to change the zoning designation to Medium Density Residential (R-2). The application was reviewed at an open record public hearing on April 9th, 2024.

A copy of the Planning Commission's Findings and Recommendation is enclosed. The Planning Commission's Recommendation will be considered by the Sunnyside City Council in a public hearing to be scheduled.

NOTICE OF CLOSED RECORD PUBLIC HEARING: The Planning Commission's Recommendation will be considered by the Sunnyside City Council at a closed record public hearing scheduled for **May 13th 2024, at 6:30 p.m.**, at the Law and Justice Center, 401 Homer St, Sunnyside, WA 98944.

For further information or assistance you may contact Community and Economic Development Director Trevor Martin at (509) 836-6393 or email to: tmartin@sunnyside-wa.gov.

A handwritten signature in black ink that reads "Sydney DeWees".

Sydney DeWees,
Planner

Date of Mailing: April 22, 2024

Enclosures: Planning Commission's Recommendation

EXHIBIT A

SUNNYSIDE PLANNING COMMISSION RECOMMENDATION TO THE SUNNYSIDE CITY COUNCIL FOR REZONE REZ-24-1

WHEREAS, The City of Sunnyside adopted their Comprehensive Plan on March 28, 2022; and

WHEREAS, The Washington Growth Management Act and local ordinances provide a process for the annual review of amendments to the Plan as requested by citizens, property owners and/ or local government; and

WHEREAS, Under the provisions of SMC Ch. 19.01 the Sunnyside Planning Commission (SPC) is responsible for the review of these applications and for recommending the approval, modification or denial of each request; and

WHEREAS, On May 6, 2024, applications for Comprehensive Plan Amendment and Rezone were submitted by the City of Sunnyside, to rezone from Low Density Residential (R-1) to Medium Density Residential (R-2), Parcel Numbers, File Numbers: 22102641451, 22102641428, 22102641450, 22102641452, REZ-24-1; and

WHEREAS, All required public notices for these amendments were provided, in accordance with the provisions of SMC Ch. 19.03, on April 22, 2024; and

WHEREAS, SEPA Environmental Review for these updates was considered with the Preliminary Determination of Nonsignificance issued on March 22, 2024 being retained on April 10, 2024; and

WHEREAS, The Sunnyside Planning Commission held an open record public hearing on April 8, 2024 to hear testimony from the public, consider the amendments, and provide a recommendation to the Sunnyside City Council;

Now therefore, the Sunnyside Planning Commission presents the following findings and recommendation to the Sunnyside City Council:

Based upon a review of the information contained in the application, staff report, exhibits, testimony, and other evidence presented at an open record public hearing held on April 8, 2023, the Planning Commission makes the following:

EXHIBIT A

APPLICATION# REZ-24-1

APPLICANT: Christopher Herrera/ Traditinal Designs INC.

APPLICANT ADDRESS: 402 W Chestnut Ave, Yakima, WA 98902
1518 S 14th Street, Sunnyside, WA 98944

PROJECT LOCATION: Vicinity of 330 Columbia Ave, Sunnyside WA

PARCELS: 22102641451, 22102641428, 22102641450, 22102641452

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 4 (four) lots, totaling approximately 1.06 acres, from Low Density Residential (R-1) to Medium Density Residential (R-2).
2. **Zoning/Land Use:** Properties to the north, east, south, and west are within the R-1 Zoning District and occupied residential. Six (6) Lots directly to the south, along Columbia Ave. of the property have a duplexes established. To the southeast, less than 500 feet from the subject site, 'The Heights' apartment complex has been existing since 1952
3. **Jurisdiction and Process:** The procedure for reviewing rezone application is set forth in Sunnyside Municipal Code (SMC) Sections 17.76 Amendments and Rezoning as shown below:
17.76.020 Initiation of amendments.
A. Zoning Map.
 1. Any person, firm, corporation, group of individuals, or municipal department may petition for a zone change with the following exceptions:
 - a. If the person, firm, corporation or group of individuals does not have legal ownership of the parcel of land under consideration for rezoning, the petition shall not be accepted. All petitions submitted must contain the signature of the legal owner of the property. The legal owner is considered to be the owner of record.
 - b. A person, firm, corporation or group of individuals may not submit, in any one year, more than one petition requesting a zone change from the property's present zone to another particular zone for the same parcel of land; provided, within the one-year period, a person, firm, corporation or group of individuals may submit another petition requesting a zone change from the property's present zone to a zone other than the zone previously requested in the earlier petition.
 2. The Hearing Examiner may initiate an open record hearing on the reclassification of a parcel or parcels of property and render a recommendation to the City Council in accordance with Chapter 2.46 SMC and SMC Title 19.
B. Text.
 1. The Hearing Examiner may initiate an open record hearing and render a recommendation to the City Council for a text amendment in accordance with Chapter 2.46 SMC and SMC Title 19.
 2. Any resident or property owner within the Sunnyside urban area may petition the City Council for a text amendment. [Ord. 2023-28 § 1 (Exh. B), 2023; Ord. 2172 § 1, 2007; Ord. 1767 § 1, 1991; Ord. 1426 § 1, 1983; Ord. 1334 § 1, 1981; Ord. 1272 § 17-7-2, 1980.]

EXHIBIT A

- Policy 2.3: Encourage new developments to locate in areas that are relatively free of environmental problems relating to soil, slope, bedrock, and the water table. Proposed developments should be reviewed by the appropriate city staff or consultants to identify site-specific environmental problems.
- Housing Element: The Housing Element specifically considers the condition of the existing housing stock; the cause, scope and nature of any housing problems; and the provision of a variety of housing types to match the lifestyle and economic needs of the community.
- 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.
- Goal 2 - Residential areas that are safe, sanitary and attractive places to live will be established and maintained in Sunnyside.
- Goal 3 - Encourage a mixture of housing types and densities throughout the sub- area that are compatible with public service availability.

CONCLUSIONS

1. The zoning code does establish specific criteria for review and approval of a rezone application.
2. Comprehensive Plan Consistency: The proposed zoning is consistent with the future land use map in the City of Sunnyside comprehensive.
3. Consistent with surrounding zoning: As shown on the attached zoning map the proposed zoning of R-2 would be consistent with the surrounding zoning.

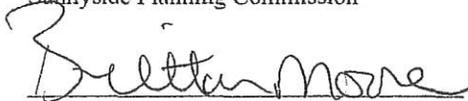
MOTION

Based on the testimony and evidence presented during the public hearing, it was moved and seconded that the City of Sunnyside Planning Commission **APPROVE** the draft findings of fact in support of the proposal, and forward a recommendation of approval to the Sunnyside City Council. The motion carried 4-1.

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 Rezone from Low Density Residential (R-1) to Medium Density Residential (R-2) for file REZ-24-1.

Brittan Moore, Chair
Sunnyside Planning Commission



Date

4/22/24