

## **ORDINANCE 2169**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, ANNEXING CERTAIN PROPERTY TO THE CITY OF SUNNYSIDE, AMENDING COMPREHENSIVE PLAN, AND SETTING HEARING BEFORE HEARING EXAMINER FOR RECOMMENDATION FOR ZONING “Padelford Annexation”**

**WHEREAS**, the City of Sunnyside has received a Petition for Annexation of property into the City of Sunnyside, identified as the “Padelford Annexation;” and

**WHEREAS**, the documentation filed is in proper form and a Notice of Intention has been submitted to and approved by the state Boundary Review Board for Yakima County, which approval was granted by Order of the Board on July 17, 2007, and which approval included Yakima County Assessor’s Parcel Numbers 231029-22007, 231029-12002, 231029-12003, 231029-11010, and 231029-11002; and

**WHEREAS**, the Planning Commission has held public hearing pursuant to published notice on and has recommended approval of the annexation, but was unable to recommend any zoning designation; and

**WHEREAS**, the City Council has held a closed record hearing pursuant to Title 19 of the Sunnyside Municipal Code on August 27, 2007 considering the record herein and the recommendation of the Sunnyside Planning Commission concerning the proposed annexation; and

**WHEREAS**, the City Council finds and determines as follows:

- (a) The City Council has jurisdiction to determine all matters and issues herein.
- (b) All procedures and requirements of law and the Sunnyside Municipal Code have been performed and satisfied regarding such proposed annexation.
- (c) The annexation of the proposed property into the City of Sunnyside is in the best interests of residents of the City of Sunnyside.
- (d) The zoning of the property will be by the following procedure: (a) The file will be set for Open Record Hearing regarding zoning before the Hearing Examiner; (b) The Hearing Examiner shall conduct such hearing and prepare a

- recommendation regarding zoning; and (c) The recommendation of the Hearing Examiner and the record thereof shall be presented to the City Council for final action and adoption of appropriate zoning.
- (e) Approval of such annexation, and the procedure for determination of zoning as set forth above, will promote the general health, safety and welfare; and

**WHEREAS**, the City Council, having made the above findings, determines that such property should be annexed to the City of Sunnyside, with a determination of zoning reserved for future determination and action as provided above.

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

**Section 1.** That the property of the “Padelford Annexation,” consisting of five parcels totaling 123.08 acres, commonly known as Yakima County Assessor’s Parcel Nos. 231019-22007, 231019-12002, 231019-12003, 231019-11010, and 231019-11002, and legally described in Exhibit “A” and shown on the map attached hereto as Exhibit “B,” both incorporated herein by this reference, is hereby annexed to the City of Sunnyside.

**Section 2.** That all of the property within the territory herein annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Sunnyside for any outstanding indebtedness of the City of Sunnyside, including assessments and taxes in payment of any bonds issued or debts contracted prior to or existing on the date hereof.

**Section 3.** That the zoning of the property subject to this annexation shall be referred to the Hearing Examiner of the City of Sunnyside, who shall hold and conduct an Open record Hearing on the issue of appropriate zoning, and shall report the record thereof with his recommendation to the City Council, for consideration and adoption of zoning for such property subject to this annexation.

**Section 4.** The Zoning Map of the City of Sunnyside shall be amended to reflect the annexation approved herein, together with appropriate designation and amendment of the City of Sunnyside Comprehensive Plan as necessary. The action approved in this Ordinance is annexation only, and is subject to final determination of zoning prior before any land use development permit may be accepted or processed concerning the subject property.

**Section 5.** This Ordinance shall be effective five days after passage, approval and publication as required by law, whichever later occurs.

PASSED this 27th day of August, 2007.

**ED PRILUCIK, MAYOR**

ATTEST:

**DEBORAH A. ESTRADA, CITY CLERK**

APPROVED AS TO FORM:

**MARK A. KUNKLER, CITY ATTORNEY**