

ORIGINAL

ORDINANCE 2009 - 18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, AMENDING ORDINANCE 2009-16, ADOPTING AN IMMEDIATE MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR AND ISSUANCE OF ANY PERMIT OR APPROVAL OF ZONING OR CHANGE OF ZONE CLASSIFICATION, TO BE EFFECTIVE FOR A PERIOD OF 180 DAYS, SETTING A DATE FOR PUBLIC HEARING ON THE MORATORIUM, DIRECTING DEVELOPMENT OF A COMPREHENSIVE AIRPORT LAND USE PLAN, ENCOURAGING PARTICIPATION OF INTERESTED PERSONS WHO WISH TO PARTICIPATE IN THE DEVELOPMENT OF SUCH ORDINANCE, AND DECLARING AN EMERGENCY, TO CHANGE THE ENDING DATE OF THE MORATORIUM TO FEBRUARY 2, 2010 AND TO CHANGE THE DATE FOR PUBLIC HEARING TO SEPTEMBER 14, 2009

WHEREAS, on August 5, 2009, the City Council adopted Ordinance 2009-16, imposing an immediate moratorium upon the acceptance of applications for or issuance of any permit or approval of zoning or changes in classification, as those terms are defined and used in the City's municipal code and as those terms are commonly understood, for 180 days for properties adjoining or in the vicinity of the Sunnyside Municipal Airport; and

WHEREAS, Section 3 of Ordinance 2009-16, provided that the moratorium shall continue in effect until and including February 6, 2010, unless repealed or extended by the City council after subsequent public hearing and entry of appropriate findings of fact pursuant to RCW 35A.63.220 and 36.70A.390; and

WHEREAS, the correct ending date for the moratorium should be February 2, 2010; and

WHEREAS, Section 6 of Ordinance 2009-16, set Monday, August 24, 2009 at 6:30 p.m. at the City Council Chambers at the Sunnyside Law & Justice Center, 401 Homer Street, Sunnyside, Washington, as the date, time and place for a public hearing

on the moratorium and to consider the City Manager's progress report on developing a comprehensive airport land use ordinance; and

WHEREAS, additional time is required to provide adequate notice of this public hearing; and

WHEREAS, the City Council wishes to amend Section 3 of Ordinance 2009-16, to provide that ending date for the moratorium is February 2, 2010; and to amend Section 6 to provide that the Public Hearing is reset to occur on Monday, September 14, 2009, at 6:30 p.m. at the City Council Chambers at the Sunnyside Law & Justice Center, 401 Homer Street, Sunnyside, Washington.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, DO ORDAIN as follows:

Section 1: Amendment of Section 3 of Ordinance 2009-16. Section 3 of Ordinance 2009-16, is hereby amended to read as follows:

Section 3: Duration. The moratorium imposed in this ordinance shall become effective at 12:01 a.m., August 6, 2009, after its passage and shall continue in effect until and including February 2, 2010, unless repealed or extended by the City council after subsequent public hearing and entry of appropriate findings of fact pursuant to RCW 35A.63.220 and 36.70A.390.

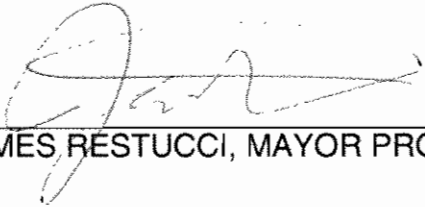
Section 2: Amendment of Section 6 of Ordinance 2009-16. Section 6 of Ordinance 2009-16, is hereby amended to read as follows:

Section 6: Public Hearing Required. As required by RCW 35A.63.220 and RCW 36.70A.390, within sixty (60) days of the passage of this Ordinance, the City Council will hold a public hearing on this moratorium and consider the City Manager's progress report on developing a comprehensive airport land use ordinance. The Public Hearing is therefore set to occur on Monday, September 14, 2009 at 6:30 p.m. at the City Council Chambers at the Sunnyside Law & Justice Center, 401 Homer Street, Sunnyside, Washington. City staff will provide notice of such public hearing as required by law.

Section 3: No Other Changes. Except as amended herein, Ordinance 2009-16 shall remain unchanged.

Section 4: Effective Date. This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 24th day of August, 2009.



JAMES RESTUCCI, MAYOR PRO TEM

ATTEST:



DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:

MENKE JACKSON BEYER EHLIS & HARPER, LLP
ATTORNEYS AT LAW