

ORDINANCE NO. 2010-22

AN ORDINANCE relating to establishing the “City of Yakima Planning Commission” to replace the Yakima Urban Area Planning Commission, deleting references to it and to the Urban Yakima Area Regional Planning Agreement; and specifically amending Yakima Municipal Code Title 1, Chapter 1.42, Planning Commission, sections 1.42.005, 1.42.010, 1.42.020, 1.42.025, 1.42.026, 1.42.027, 1.42.030, 1.42.050 and 1.42.070; Title 1, Chapter 1.43, Hearing Examiner, section 1.43.180; Title 14, Chapter 14.05, General Provisions, section 14.05.070; Title 15, Chapter 15.20, Administration, sections 15.20.030, 15.20.050 and 15.20.060; Title 15, Chapter 23, Amendments and Rezones, sections 15.23.020 and 15.23.030; Title 15, Chapter 15.31, Institutional Overlay, section 15.31.030; Title 16, Chapter 16.03, Project Permit Applications, section 16.03.010; Title 16, Chapter 16.10, Comprehensive Plan Amendment Procedures, sections 16.10.030, 16.10.070, 16.10.080, 16.10.090 and 16.10.100.

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 1.42 of Chapter 1 of the City of Yakima Municipal Code is hereby amended to read as follows:

1.42.010 Planning commission—Authority.

The City of Yakima Planning Commission shall have the full authority and jurisdiction to perform all acts, duties and functions which are either required of or imparted or conferred on a Planning Commission by law or ordinance. Provided, any duties or functions of the Planning Commission which are conferred on the office of hearing examiner shall be performed by such examiner.

1.42.020 Organization and procedures.

The Commission shall perform its duties and functions as the Planning Commission of the City of Yakima under the provisions and procedures of RCW Chapter 35.63.

1.42.025 Membership – Appointment – Terms.

A. The City Planning Commission shall consist of seven members appointed by the mayor and confirmed by the City Council. The term of office for the first appointive members appointed to the City Planning Commission shall be designated from one to six years in such a manner as to provide the fewest possible terms will expire in any one year. Thereafter the term of office for each appointive member shall be six years.

B. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term. Members may be removed, after public hearing, by the mayor, with the approval of the City Council, for inefficiency, neglect of duty or malfeasance in office.

C. The members of the City Planning Commission shall be selected without respect to political affiliation and they shall serve without compensation.

D. No person shall serve more than two consecutive terms, provided a person appointed to fill unexpired terms of less than two years is eligible to serve two successive six-year terms, and provided further, a person who is ineligible to

serve for having served two consecutive terms may again serve after two years have elapsed from the end of the second such term.

1.42.026 Residence of members.

No person shall hold the office of member of the City Planning Commission unless that person is a resident of the City. The office of member of the City Planning Commission shall become vacant upon such member ceasing to reside in the City.

1.42.027 Vacancy filling – Unexpired terms.

Vacancies occurring other than through the expiration of terms shall be filled by appointment as provided in YMC 1.42.025.

1.42.030 Duties.

The duties of the City Planning Commission shall be as set forth in RCW Chapter 35.63.060, by City ordinance, or as may be assigned or requested from time to time by the City Council. Such duties include, but are not limited to:

1. Serving as the long-range planning body for the City of Yakima;
2. Monitor the growth and development of the City and continually reevaluate and recommend to the City Council revisions to the comprehensive plan and zoning ordinance for the City;
3. Develop and recommend to the City Council a subdivision ordinance for the City and revisions thereto;
4. Investigate and make recommendations on other land use matters as may be requested by the City Council or on its own initiative;
5. Study and report on all proposed text changes to land use ordinances;
6. Advise the City Council on land use matters;
7. Monitor the hearings of the hearing examiner in order to remain informed on development activities, public concerns and the decisions of the hearing examiner;
8. Such other planning functions as authorized or required by law or ordinance or as requested or assigned by the City Council.

1.42.070 Yakima urban area comprehensive plan—Adoption and amendment procedures.

A. Plan Adoption. The 2006 Yakima Urban Area Comprehensive Plan (“the plan”) as adopted by City Council Resolution 2006-62, including subsequent amendments, shall be the official Comprehensive Plan for the City of Yakima. The Comprehensive Plan and its elements, including those incorporated by reference, are hereby adopted as the official comprehensive land use plan for the City of Yakima as required by RCW Chapter 36.70A.

B. Plan Amendments. Requests for amendments to the Yakima urban area comprehensive plan may be submitted in accord with YMC 16.10.030, and will be docketed for review and acted upon once per year as required by RCW 36.70A.130. Proposed amendments shall be considered concurrently to ascertain the cumulative effect of the various proposals. Initial adoption of subarea plans and the adoption or amendment of a shoreline master program are not subject to the docketing requirement, and may be considered independently of the annual amendment process. Amendments to the plan may also be considered whenever an emergency exists, or to resolve an appeal of the

plan filed with the Eastern Washington Growth Management Hearings Board, following appropriate public participation.

C. Amendment Review Process. Proposed amendments to the plan shall be submitted to the City of Yakima Department of Community and Economic Development, along with the required application fee, for review by the City Planning Commission. The City Planning Commission shall hold at least one public hearing to receive public testimony on proposed amendments, and shall forward its recommendation regarding proposed amendments to the City Council. The City Council shall hold at least one public hearing on the City Planning Commission's recommendation. The City Council may refer any proposed amendment back to the City Planning Commission for further consideration and recommendation. The City Council may amend the plan or reject any proposed amendments subsequent to the City Council public hearing.

D. Existing Land Use Regulatory Ordinances Remain in Effect. All existing land use regulatory ordinances and land use controls shall remain in effect, including Title 15, Yakima Urban Area Zoning Ordinance; City of Yakima official zoning map; Title 14, Subdivisions; YMC Chapter 6.88, Environmental Policy; and YMC Chapter 11.58, Flood Damage Prevention, until such time that these ordinances are amended. Future land use decisions shall be based upon these ordinances, as periodically amended.

E. Severability. If any section, sentence, clause or phrase of the adopted Yakima urban area comprehensive plan should be held to be invalid or unconstitutional by any body or court with authority and jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of the adopted Yakima urban area comprehensive plan.

F. Revival of 1997 Plan Upon Invalidation. In the event that the 2006 Yakima urban area comprehensive plan, or any portion thereof, is invalidated by the Eastern Washington Growth Management Hearings Board, or any other body or court with authority and jurisdiction, the 1997 Yakima urban area comprehensive plan, or the relevant portions thereof, shall be revived and shall be in effect until a new comprehensive plan, or new relevant portions, are established.

Section 2. Section 1.43.180 of the City of Yakima Municipal Code is amended to read as follows:

1.43.180 Annual report.

The examiner shall report in writing to and meet with the City Planning Commission and City Council at least annually for the purpose of reviewing the administration of the City's land use policies and regulating ordinances. The report shall include a summary of the hearing examiner's decisions since the prior report.

Section 3. Section 14.05.070 of the City of Yakima Municipal Code is amended to read as follows:

14.05.070 Amendments.

A. The City Planning Commission shall consider in public hearing any proposed amendments to, or the repeal of, this title and submit a recommendation thereon to the City Council. Public notice of the hearing before the City Planning Commission shall be provided in the following manner:

1. By publication of at least one notice not less than ten calendar days prior to the public hearing in the official city newspaper.

2. Additional notice shall be given to individuals and organizations which have submitted written requests for notice by mailing of a notice not less than ten calendar days prior to the public hearing.

B. The City Council shall consider in public hearing any proposed amendments to, or repeal of, this title along with the recommendation of the City Planning Commission thereon. Public notice of the hearing before the City Council shall be given in the same manner as for the City Planning Commission hearing.

Section 4. Section 15.20.030 of the Yakima Municipal Code is amended to read as follows:

15.20.030 Planning department--Duties and powers.

A. The planning department shall have the following powers and responsibilities:

1. Issue certificates of zoning review under the provisions of this title;
2. Receive, record and file all applications for permits, approvals or other action, including class (2) and (3) review, and applications for appeals, interpretations, variances and rezones;
3. Review and decide modifications to approved class (2) and (3) uses and existing class (1), (2) and (3) uses under the provisions of Chapter 15.17;
4. Provide staff support to the City Planning Commission on all long range planning matters and proposed ordinance amendments;
5. Immediately change the official zoning map to accurately reflect any amendments made by official action of the legislative body;
6. Provide staff support to the hearing examiner, and legislative body;
7. Perform any other act or duty authorized or assigned to it under the provisions of this title;
8. Maintain the official index of all permits and approvals under this title.

Section 5. Section 15.20.050 of the Yakima Municipal Code is amended to read as follows:

15.20.050 Hearing examiner--Duties and powers.

A. Office. The office of hearing examiner, herein referred to as hearing examiner, is hereby recognized. The hearing examiner shall perform the duties and functions established by this or any other title. Unless the context requires otherwise, the term hearing examiner as used herein shall include deputy examiners and examiners pro tem. The hearing examiner shall be jointly hired and appointed by the City of Yakima and Yakima County.

B. Authority and Duties. The examiner shall receive and examine available information, conduct public hearings and keep a record thereof, and enter decisions as provided for herein.

C. Effect of Decisions.

(1) The decision of the hearing examiner on the following matters shall be final unless such decision is appealed to the legislative body pursuant to section 15.16.040:

- a. Class (3) review decisions;
- b. Variance requests;
- c. Home occupations;
- d. Revocation proceedings under Chapter 15.24 of this title;
- e. Nonconforming uses;
- f. Appeals of decisions by the building official or administrative official; and,
- g. Any other authorized decision not expressly listed in subsection C2 of this section.

(2) The decision of the hearing examiner on rezone applications shall constitute a recommendation to the legislative body. Provided, that rezone applications initiated by the City or county to implement a newly adopted or amended comprehensive plan or which are of broad general applicability shall be heard by the City Planning Commission.

Section 6. Section 15.20.060 of the Yakima Municipal Code is amended to read as follows:

15.20.060 City of Yakima Planning Commission.

A. Establishment and Jurisdiction.. The City Planning Commission is organized under RCW Chapter 35.63 and serves as a citizen advisory group to the legislative bodies on long range planning matters.

B. Authority and Duties.

1. As the long-range planning body for the City of Yakima, the City Planning Commission shall monitor the growth and development of the City of Yakima and continually reevaluate and recommend revisions to the City of Yakima comprehensive plan and this title;

2. Investigate and make recommendations on other land use matters either requested by the elected officials or upon its own initiative;

3. Study and report on all proposed text amendments to this title;

4. Review and report to the joint board at least once every five years commencing on the date of enactment of this title. This five year report shall:

a. Analyze the extent to which development has actually occurred in the City of Yakima and evaluate this title in terms of its ability to guide growth in conformance with the City of Yakima comprehensive plan,

b. Recommend any changes in the zoning map which may be required in order to accommodate expected residential, commercial and industrial development in the Yakima urban area over the next 20 years,

c. Analyze the need for any other regulations imposed by this title in terms of changed conditions since the last review,

5. Advise the legislative body on land use matters,

6. Monitor the hearings of the hearing examiner in order to stay informed on development activities, the concerns of the public, and the decisions of the hearing examiner,

7. Perform any other function authorized by law.

Section 7. Section 15.23.020 of the Yakima Municipal Code is amended to read as follows:

15.23.020 Text amendments.

A. Initiation. An amendment to the text, standards, procedures or other provisions of this title may be initiated by action of the legislative body with jurisdiction or the City Planning Commission.

B. Action by the Legislative Body. Any amendments in this title shall be by action of the legislative body with jurisdiction after a recommendation thereon from the City Planning Commission. Such action shall occur in accordance with the procedures set forth in RCW Chapter 35.63 as it now exists or is hereafter amended.

Section 8. Section 15.23.030 of the Yakima Municipal Code is amended to read as follows:

15.23.030 Rezones--Zoning map amendments.

- A. Initiation. An amendment to the zoning map may be initiated by:
1. Resolution of the legislative body with jurisdiction or the City Planning Commission; or
 2. A rezone application filed by the property owner(s).
- B. Application. All rezone applications shall be filed with the planning department. The planning department shall process the application under the provisions of Section 15.11.080. The application shall include the information required in Section 15.11.030 and the signature of the owner(s) of the property.
- C. Public Hearing by the Hearing Examiner. Upon receipt of a complete application for a rezone, the planning department shall forward the application to the hearing examiner for public hearing and review. Provided, that rezone applications initiated by the City or county to implement a newly adopted or amended comprehensive plan, or which are of broad general applicability shall be heard by the City Planning Commission under the provisions of RCW Chapter 35.63. The public hearing shall be held and notice provided under the provisions of Chapter 15.11.090. The applicant shall appear in person or by agent or attorney. Failure to do so shall constitute sufficient cause for continuance or denial of the requested action. Other parties may appear in person or by agent or attorney, or may submit written comments.
- D. Recommendation by the City Planning Commission. The City Planning Commission, may if requested by the hearing examiner, submit a recommendation on the proposed rezone to the hearing examiner prior to the issuance of his decision. The recommendation of the City Planning Commission shall in no way be binding on the hearing examiner.
- E. Decision by the Hearing Examiner. Within ten days of the conclusion of the hearing, unless a longer period is agreed to in writing by the applicant, the examiner shall issue a written recommendation to approve, approve with conditions or deny the proposed rezone. The recommendation shall include the following considerations:
1. The testimony at the public hearing;
 2. The suitability of the property in question for uses permitted under the proposed zoning;
 3. The recommendation from interested agencies and departments;
 4. The extent to which the proposed amendments are in compliance with and/or deviate from the goals and policies as adopted in the Yakima urban area comprehensive plan and the intent of this title;
 5. The adequacy of public facilities, such as roads, sewer, water and other required public services;
 6. The compatibility of the proposed zone change and associated uses with neighboring land uses; and,
 7. The public need for the proposed change.
- Notice of the hearing examiner's recommendation shall be mailed to the applicant at the address provided on the application form. The decision of the hearing examiner on rezone applications shall constitute a recommendation to the legislative body.
- F. Action by the Legislative Body. Upon receipt of the hearing examiner's recommendation on a proposed rezone, the legislative body shall hold a public meeting and affirm or reject the hearing examiner's decision. The legislative body shall conduct its own public hearing when it rejects the recommendation of the hearing examiner or desires additional public testimony. Notice of the public hearing shall be given in the manner set forth in Section

15.11.090. In either case, the findings of the legislative body shall include the considerations established in subsection (E) of this section.

G. Time Limit and Notification. Proposed amendments shall be decided by the legislative body as soon as practicable and the applicant shall be notified in writing whether the rezone has been granted or denied.

Section 9. Section 15.31.030 of the Yakima Municipal Code is amended to read as follows:

15.31.030 Review process.

The institutional overlay zone and master development plan shall be reviewed using the review process described in YMC 15.23.030, and as further specified herein. Upon filing of a valid rezone application and completion of the required environmental review process, the planning department shall forward the rezone application, together with its recommendation, to the hearing examiner to conduct a public hearing and review in conformity with YMC 15.23.030. Prior to said hearing a recommendation will be obtained from the City Planning Commission. The decision of the hearing examiner shall be in the form of a written recommendation to the legislative body pursuant to YMC 15.23.030(E).

Section 10. Section 16.03.010 of the Yakima Municipal Code is amended to read as follows:

16.03.010 Determination of review procedure.

A. Determination by Director. The director or his/her designee shall determine whether any proposed project is exempt from the procedures of this title, should any clarification be necessary.

B. Master Application Process. An application that involves two or more procedures including SEPA compliance may be consolidated and processed simultaneously, including combined notices, staff reports and hearings if necessary.

C. The applicant may determine whether such an application shall be consolidated or processed separately.

D. Decision-maker(s). Applications processed in accordance with subsection B of this section shall be consolidated for hearing by the highest level decision-maker(s). City of Yakima decision-makers are ranked as follows: the City Council is the highest, followed by the hearing examiner or the City Planning Commission as applicable, and then the director or his/her designee.

Section 11. Section 16.10.030 of the Yakima Municipal Code is amended to read as follows:

16.10.030 Procedures.

(1) Annually, the City Council shall open the comprehensive plan amendment process and the City Planning Commission shall hold a public meeting in February to announce that the comprehensive plan amendment process is open to accept applications. At that time, the City Planning Commission will invite public comments and suggestions regarding proposed changes to the comprehensive plan.

(2) All comprehensive plan amendments shall be considered legislative actions and subject to the procedures in this chapter.

(3) Applications must comply with YMC Section 16.10.040 and be submitted by the last business day in April in order for a proposed amendment to be included in that year's process.

(4) Future land use map changes may be initiated by the subject property owner(s), or by planning staff, by using the appropriate application forms. The City Planning Commission shall docket all future land use map amendment requests for further review and consideration if the amendment application is deemed complete as provided for herein.

(5) Other plan policy map and/or text amendments may be initiated by any person, including planning staff, by using the appropriate application forms. The City Planning Commission shall docket all such amendments for further review and consideration if the amendment application is deemed complete as provided for herein.

(6) After completion of the amendment docketing process, the City Planning Commission shall invite public comment regarding docketed amendment(s) concurrently with the notice announcing the City Planning Commission public hearing at which proposed amendments will be reviewed.

(7) Additional documentation may be needed to address public facilities and services elements that may be necessary for a proposed amendment. Examples of such services may include water, sewer, storm drainage, transportation, police and fire protection, and schools. Planning staff will assist applicants in identifying additional documentation necessary to enable appropriate review.

(8) After proposed amendments are docketed:

(a) The planning staff will review the docketed comprehensive plan amendments together with such review as may be required under the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and Chapter 6.88 YMC.

(b) The City Planning Commission shall set dates for work sessions on docketed item(s) prior to setting the City Planning Commission public hearing date(s).

(9) No comprehensive plan amendment applications shall be docketed after the last business day in April, unless directed by the City Council.

Section 12. Section 16.10.070 of the Yakima Municipal Code is amended to read as follows:

16.10.070 Comprehensive Plan Amendment procedures

Public process and notice on proposed comprehensive plan amendment.

To provide for the opportunity of citizens, interested parties and reviewing agencies to suggest and make comments on proposed comprehensive plan amendments, the planning staff will provide for broad dissemination of information regarding the amendment process. Notice shall be reasonably calculated to give interested parties, the general public, and government agencies a meaningful opportunity to be apprised of, and participate in, the comprehensive plan amendment process. The planning staff shall identify and follow a procedure reasonably calculated to address public comments regarding proposed amendments.

(1) Except for instances where specific notice requirements are provided for elsewhere in this chapter, in which event the specific notice requirements shall control, examples of types of notice which the planning staff may utilize, as appropriate, include the following:

(a) A general mailing to interested parties;

(b) Posting on the City of Yakima's web site;

(c) Posting the property with signage, for which a future land use map amendment has been submitted and docketed;

- (d) Notice in the local newspaper of general circulation at least twenty days prior to any public hearing and as may be otherwise required by RCW Section 36.70A.035, or as the same may be hereafter amended;
 - (e) Announcements on Yakima public affairs channel (YPAC) of scheduled public hearings;
 - (f) Press releases to the local media;
 - (g) Posting of information at the Planning and Code Administration Division and City Clerk's offices, in addition to other City Clerk designated locations;
 - (h) Notice by general mailing to property owners located within five hundred feet of external property line boundaries designated in a particular amendment application;
 - (i) Notification to reviewing agencies as may be established by Washington State Department of Community Trade and Economic Development pursuant to RCW Section 36.70A.035.
- (2) Additional public notification may be undertaken by planning staff if it determines that it is in the public interest to do so.
- (3) Elements to be contained in any general mailing notice regarding docketed comprehensive plan amendments shall include:
- (a) Identification of amendment by address, if available, if the proposed amendment requests a change to the future land use map or other plan policy map;
 - (b) Vicinity map created from the City's GIS mapping system indicating the location of proposed future land use map or other plan policy map amendment(s), if applicable;
 - (c) Notice of the time, place and purpose for any City Planning Commission public hearing pertaining to a proposed amendment;
 - (d) Cover letter from planning staff generally describing the proposed comprehensive plan amendment and giving the name and phone number of a planning staff person who can answer additional questions;
 - (e) City Planning Commission meeting agenda, if applicable;
 - (f) The applicant's written narrative, as supplied pursuant to YMC Section 16.10.050;
 - (g) An eight and one-half inch by eleven-inch black and white area map indicating the current future land use designation, if applicable; and,
 - (h) An eight and one-half inch by eleven-inch black and white area map indicating the proposed future land use designation, if applicable.

Section 13. Section 16.10.080 of the Yakima Municipal Code is amended to read as follows:

16.10.080 City of Yakima Planning Commission recommendation(s).

To provide for the opportunity of citizens, interested parties and reviewing agencies to review the recommendation of the City Planning Commission to the joint meeting of the City Council and Yakima County commissioners regarding comprehensive plan amendments, the following procedures shall apply:

- (1) The City Planning Commission shall provide a recommendation on each docketed amendment proposal with findings of fact to support each recommendation based on the approval criteria set forth in YMC Section 16.10.040; and,
- (2) The planning staff shall notify the public of the City Planning Commission recommendation by the following process:

- (a) Not later than twenty days prior to the joint City Council and Yakima County commissioners' public hearing date, a legal and display ad notice will be placed in the local newspaper of general circulation announcing the joint City Council and Yakima County commissioners' public hearing;
- (b) An announcement will run on Yakima public affairs channel (YPAC) electronic bulletin board not later than fourteen days before the joint City Council and Yakima County commissioners' public hearing date until the date of the joint City Council and Yakima County commissioners' public hearing;
- (c) The planning staff will notify local media outlets regarding joint City Council and Yakima County commissioners' public hearing through a prepared press release; and,
- (d) The planning staff will place the joint City Council and Yakima County commissioners' public hearing notice on the City of Yakima's web site.

Section 14. Section 16.10.090 of the Yakima Municipal Code is amended to read as follows:

16.10.090 Joint City Council and Yakima County commissioners public hearing.

At a joint meeting of the City Council and Yakima County commissioners, the two elected bodies will review the City Planning Commission recommendations regarding any docketed comprehensive plan amendments and hold a public hearing to provide citizens, interested parties and reviewing agencies an opportunity to comment on the recommendations.

(1) The notice of the joint public hearing of the City Council and Yakima County commissioners on the recommendations of the City Planning Commission will be promulgated by the City Clerk pursuant to the process for regular business meetings of the City Council, and will include the following:

- (a) The time, location, and date of the joint City Council and Yakima County commissioners' public hearing;
- (b) A copy of the agenda item; and,
- (c) A list of all comprehensive plan amendments to be considered at the hearing.

(2) An open record public hearing will be conducted by the joint City Council and Yakima County commissioners to hear testimony regarding each amendment under consideration.

(3) At the conclusion of the hearing, the City Council shall direct planning staff to prepare legislation to approve, approve with conditions, or deny each amendment under consideration and shall identify findings of fact to support each decision based on the approval criteria set forth in YMC Section 16.10.040.

(4) At a subsequent City Council meeting, the City Council shall enact an ordinance adopting their decision reached at the joint City Council and Yakima County commissioner's public hearing. Following City Council action, notification of the ordinance shall be accomplished in the following manner:

- (a) The planning staff shall provide a complete and accurate copy of the adopted comprehensive plan amendment(s) to the Washington State Department of Community Trade and Economic Development within ten days after final adoption; and,
- (b) The City Clerk shall have the approved comprehensive plan amendment ordinance published in the local newspaper of general circulation.
- (c) The City Clerk shall post the ordinance to the City's web site as an ordinance amending the Yakima Municipal Code. In addition, the planning staff shall post

the comprehensive plan amendments on the City's web site in accordance with this chapter.

Section 15. Section 16.10.100 of the Yakima Municipal Code is amended to read as follows:

16.10.100 Implementation and application of comprehensive plan amendment procedures for the year 2004.

Upon the passage, approval, and publication of the ordinance codified in this chapter, and for calendar year 2004 only, the amendment process shall be deemed open for all pending applications and for all applications received by the last business day in April, 2004, without otherwise requiring announcement from the regional planning commission as contemplated in YMC Section 16.10.030 and YMC Section 16.10.060. Publication of the ordinance codified in this chapter shall be deemed sufficient notice to the public that the amendment process for calendar year 2004 is open. All other notice obligations required by this chapter shall remain in full force and effect during the 2004 amendment cycle.

Section 16. 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 17. This ordinance shall be in full force and effect 90 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 4th day of May, 2010.

/s/ Micah Cawley
Micah Cawley, Mayor

ATTEST:

/s/ Deborah Kloster
City Clerk

Publication Date: May 7, 2010

Effective Date: August 5, 2010