

ORDINANCE NO. 2018-_____

AN ORDINANCE amending the Future Land Use Map and Zoning Map of the City of Yakima for parcels 191330-41425, 41426, 41427, 41428, 41431, 41432 as follows: Future Land Use Map from Mixed Residential to Commercial Mixed Use, and Zoning Map from Two-Family Residential (R-2) to General Commercial (GC); and changing the Future Land Use Designation for parcels 191330-41429 and 41430 from Mixed Residential to General Commercial.

WHEREAS, the City of Yakima 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, on March 16, 2004, the City Council enacted Ch. 16.10 YMC to provide procedures and criteria for amending and updating the Yakima Urban Area Comprehensive Plan; and

WHEREAS, on February 6, 2018, the City Council adopted Resolution No. R-2018-015 to open the Comprehensive Plan Amendment process for 2018; and

WHEREAS, on April 30, 2018 Hordan Planning Services, on behalf of Yakima Valley Farmworkers Clinic, submitted applications for Comprehensive Plan Amendment, Rezone, and Environmental Review (CPA#002-18, RZ#003-18, SEPA#005-18) requesting to change the Future Land Use Map designation for parcels 191330-41425, 41426, 41427, 41428, 41431, 41432, which is legally described in Exhibit "B" attached hereto and incorporated herein by this reference, from Mixed Residential to Commercial Mixed Use and to concurrently rezone from Two-Family Residential (R-2) to General Commercial (GC); and

WHEREAS, The applications were considered complete for processing on May 29, 2018 and public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on June 8, 2018, and July 5, 2018; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on July 5, 2018, which was not appealed; and

WHEREAS, The City of Yakima Planning Commission (YPC) held a study session to review this Comprehensive Plan Amendment and Rezone on June 27, 2018; and

WHEREAS, the YPC held a properly noticed public hearing on August 8, 2018, and heard the staff presentation regarding the proposed CPA and Rezone, held a public hearing, considered the public testimony from Bill Hordan; and,

WHEREAS, during deliberation, the YPC recommended to change the Future Land Use Designation of parcels 191330-41429 and 41430 (legally described in Exhibit "B") from Mixed Residential to Commercial Mixed Use and leave the zoning unchanged; and,

WHEREAS, pursuant to the approval criteria set forth in YMC § 16.10.040 and YMC § 15.23.030, the YPC unanimously recommended approval of the proposal; and

WHEREAS, the YPC recommendation was signed by the Chair on August 22, 2018, a copy of which is found in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, pursuant to YMC § 16.10.090, and after the required notice was provided, the Yakima City Council held a public hearing on November 6, 2018, 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 Yakima, having considered the record herein, the comments received at the public hearing held November 6, 2018, and the recommendation from the Planning Commission, hereby finds and determines that approval of the requested CPA and Rezone is in the best interest of residents and the City of Yakima and will promote the general health, safety and welfare; now, therefore

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Findings, Analysis and Conclusions. Subject to the specific terms of this Ordinance, the Yakima City Council adopts the August 22, 2018 findings, conclusions, and recommendation of the Yakima Planning Commission for CPA#002-18 and RZ#003-18. A copy of said recommendation is attached as Exhibit "A".

Section 2. Any and all official Zoning, Future Land Use, or similar maps shall be amended to reclassify the subject real properties 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. Authorization to File. The City Clerk is hereby authorized and directed to file a certified copy of this ordinance with the Yakima County Auditor, as necessary.

Section 7. Effective Date. This ordinance shall be in full force and effect 30 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 13th day of November, 2018.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____

Exhibit "A"
YPC Recommendation



DEPARTMENT OF COMMUNITY DEVELOPMENT

Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

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YAKIMA PLANNING COMMISSION

**RECOMMENDATION TO THE YAKIMA CITY COUNCIL
FOR
COMPREHENSIVE PLAN AMENDMENT AND REZONE
CPA#002-18, RZ#003-18**

August 22, 2018

WHEREAS, The City of Yakima adopted the Yakima Comprehensive Plan 2040 in June 6, 2017; and

WHEREAS, The City of Yakima last amended its Title 15 Zoning Ordinance on June 6, 2017; 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 YMC Ch. 1.42 the Yakima Planning Commission (YPC) is responsible for the review of these applications and for recommending the approval, modification or denial of each request; and

WHEREAS, On April 30, 2018 applications for Comprehensive Plan Amendment and Rezone were submitted by Hordan Planning Services, on behalf of Yakima Valley Farmworkers Clinic, to amend the Comprehensive Plan Future Land Use Map Designation from Mixed Residential to Commercial Mixed Use, and concurrently Rezone from Two-Family Residential (R-2) to General Commercial (GC), parcels 191330-41425, 41426, 41427, 41428, 41431, and 41432 (City File CPA#002-18, RZ#003-18); and

WHEREAS, The applications were considered complete for processing on May 29, 2018 and public notice was provided, in accordance with the provisions of YMC Ch. 16.10, on June 8, 2018, and July 5, 2018; and

WHEREAS, SEPA Environmental Review was completed with a Determination of Nonsignificance issued on July 5, 2018, which was not appealed (City File SEPA#004-18); and

WHEREAS, The YPC held a study session to review this Comprehensive Plan Amendment and Rezone on June 27, 2018; and

WHEREAS, The Yakima Planning Commission held an open record public hearing on August 8, 2018 to hear testimony from the public, consider the Amendment and Rezone, and provide a recommendation to the Yakima City Council;

Now therefore, the Yakima City Planning Commission presents the following findings of fact, conclusions, and recommendation to the Yakima City Council:

APPLICATION # CPA#002-18, RZ#003-18
APPLICANT: Hordan Planning Services, on behalf of Yakima Valley Farmworkers Clinic
APPLICANT ADDRESS: 410 N 2nd St, Yakima, WA 98901
PROJECT LOCATION: Vicinity of S 7th St and Wilson Ln
PARCEL(S): 191330-41425, 41426, 41427, 41428, 41431, 41432

FINDINGS OF FACT

1. The applicant requests to amend the Comprehensive Plan Future Land Use Map designation from Mixed Residential to Commercial Mixed Use with a concurrent Rezone from Two-Family Residential (R-2) to General Commercial (GC) to facilitate the planned expansion of an existing office/clinic use.
2. The subject parcels are approximately 1.83 acres in size and are surrounded by residential and commercial uses and zoning.
3. The City of Yakima Planning Division provided a detailed staff report to the Planning Commission for review during their August 8, 2018 public hearing, with the recommendation of APPROVAL of the proposed amendment and rezone.
4. The proposed Comprehensive Plan Amendment is consistent with the applicable approval criteria in YMC § 16.10.040, as follows:
 - a. The amendment will facilitate the planned expansion of an existing office/clinic use.
 - b. The Commercial Mixed Use designation implements several goals and policies of the 2040 plan.
 - c. The amendment does not correct an obvious mapping error, does not address a deficiency of the 2040 plan, and is consistent with the Growth Management Act and County-wide Planning Policies.
 - d. In consideration of cumulative impacts, even though the 2018 amendments will remove 1.98 acres of Mixed Residential land, there will still be approximately 565.88 acres of vacant, agriculture, partially used, and underutilized land available, which is more than enough to meet 2040 growth targets.
5. The proposed Rezone from Two-Family Residential (R-2) to General Commercial (GC) is consistent with the applicable approval criteria in YMC § 15.23.030, as follows:
 - a. Bill Hordan from Hordan Planning Services testified on behalf of the applicant in favor of the proposed amendment and rezone.
 - b. The property is suitable for uses within the GC zoning district and will facilitate the planned expansion of an existing office/clinic use.
 - c. The GC zoning district is an implementing zone of the Commercial Mixed Use Future Land Use Designation.
 - d. The property is currently capable of being served by all necessary public utilities, or have utilities extended, and can be accessed by public streets.
 - e. The proposed Rezone is considered compatible with the surrounding neighborhood and no mitigation is proposed at this time.

- f. The public need for this Rezone is to provide additional area for retail hardware and farm supplies.
6. During YPC deliberation, it was decided to modify the proposal as follows:
 - a. The parcels within the proposal are bisected by parcels 191330-41429 and 41430, whose property owner(s) did not sign the applications.
 - b. As a result, the proposed amendments would not consist of a concurrent area.
 - c. Yakima Valley Farmworkers Clinic plans on purchasing the above listed parcels in the future.
 - d. All proposed parcels are recommended to be amended to the Commercial Mixed Use Comprehensive Plan Future Land Use Map Designation and concurrently Rezoned to General Commercial (GC).
 - e. In addition, parcels 191330-41429 and 41430 are recommended to change the Future Land Use Designation to Commercial Mixed Use but retain the current R-2 zoning. This will result in no changes to the current zone which would impact the current property owner, and will allow for a subsequent Rezone to GC in the future.

CONCLUSIONS

1. The Amendment and Rezone are minor in nature;
2. No adverse impacts have been identified;
3. No written comments or testimony was received in opposition to the request;
4. This proposal underwent Environmental Review;
5. The proposed Comprehensive Plan Future Land Use Map Amendment from Mixed Residential to Commercial Mixed Use with a concurrent Rezone from Two-Family Residential (R-2) to General Commercial (GC) is consistent with the Yakima Urban Area Zoning Ordinance and Yakima Comprehensive Plan 2040.
6. Parcels 191330-41429 and 41430 are recommended to change from Mixed Residential to Commercial Mixed Use and retain the Two-Family Residential (R-2) Zoning.

MOTION

Based on the testimony and evidence presented during the public hearing, it was moved and seconded that the City of Yakima Planning Commission draft findings of fact and forward a recommendation of approval to the Yakima City Council. The motion carried unanimously.

RECOMMENDATION TO CITY COUNCIL

The Planning Commission of the City of Yakima, 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 Yakima APPROVE the proposed Comprehensive Plan Amendment from Mixed Residential to Commercial Mixed Use and Rezone from Two-Family Residential (R-2) to General Commercial (GC) for files CPA#002-18 and RZ#003-18, and also to amend the Future Land Use Designation of parcels 191330-41429 and 41430 from Mixed Residential to Commercial Mixed Use.

RECOMMENDED this 22nd day of August 2018.

By: _____

Patricia Byers
Patricia Byers, Chair
Yakima Planning Commission

Exhibit "B"
Legal Description

Parcel 19130-41425:

Section 30 Township 13 Range 19 Quarter SE CENTRAL PARK ADD S 58 FT OF N 253 FT OF W 229 FT OF LOT 17

Parcel 191330-41426:

Section 30 Township 13 Range 19 Quarter SE CENTRAL PARK ADD S 58 FT OF N 311 FT OF W 229 FT OF LOT 17

Parcel 191330-41427:

Section 30 Township 13 Range 19 Quarter SE CENTRAL PARK ADDITION (A-46) Commencing at the Northwest corner of Lot 17, thence South along the West line of said Lot, 311 feet to beginning, thence South 58 feet, thence East parallel with the North line of said Lot, 219 feet, thence North 58 feet, thence West 219 feet to the Point of Beginning, EXCEPT the East 20 roadway

Parcel 191330-41428:

Section 30 Township 13 Range 19 Quarter SE: Plat CENTRAL PARK ADDITION (A-46): That portion of Lot 17 described as follows: Beginning at a point on the West line of said Lot, 369 feet South of its Northwest corner, thence East Parallel with the North line of said Lot, 115 feet to the True Point of Beginning, thence South 53 feet, thence East parallel with said North line 84 feet, thence North 53 feet, thence West 84 feet to the True Point of Beginning, TOGETHER WITH the North 48.25 feet of the South 203 feet of the West 166 feet of said Lot 17, ALSO commencing at the Northwest corner of said Lot 17, thence South along the West line of said Lot, 369 feet to the Point of Beginning, thence South 58 feet, thence East 219 feet, thence North 58 feet, thence West 219 feet to the Point of Beginning, EXCEPT the East 20 feet for roadway AND EXCEPT the North 53 feet of the East 84 feet of said Tract

Parcel 191330-41432:

Section 30 Township 13 Range 19 Quarter SE: CENTRAL PARK ADD W 96.33 FT OF S 106.5 FT OF LOT 17

Parcel 191330-41431:

Section 30 Township 13 Range 19 Quarter SE: CENTRAL PARK ADD E 66 1/3 FT OF W 132 2/3 FT OF S 106.5 FT OF LOT 17

Parcel 191330-41429:

Section 30 Township 13 Range 19 Quarter SE: CENTRAL PARK ADD: S 48.25 FT OF N 96.5 FT OF S 203 FT OF W 2299 FT OF LOT 17

Parcel 191330-41430:

Section 30 Township 13 Range 19 Quarter SE: CENTRAL PARK ADD E 66 1/3 FT OF S 106.5 FT OF W 199 FT OF LOT 17