

**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE** amending the Future Land Use Map and Zoning Map of the City of Yakima for parcels 181206-21001, -21005, -21007, -21401, and -21402 to retain the Future Land Use map designation for five parcels of Mixed Residential and zoning designation of Multi-family Residential (R-3) previously approved through CPA#006-12, RZ#006-12, and eliminate a property use and development agreement executed by City Council by Resolution R-2012-155.

**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 West Valley Nursing Homes Inc., submitted applications for Comprehensive Plan Amendment, Rezone, and Environmental Review (CPA#005-18, RZ#006-18, SEPA#008-18) requesting to retain the Future Land Use map designation for five parcels of Mixed Residential and the zoning designation of Multi-family Residential (R-3) previously approved through CPA#006-12, RZ#006-12, and eliminate a property use and development agreement executed by City Council by Resolution R-2012-155 which limited development of the property to multi-family senior living and senior care residential facilities; and.

**WHEREAS**, the property owner wishes to explore additional housing opportunities, including but not limited to, senior living/senior care and therefore proposes to vacate the property use and development agreement to allow for multi-family uses other than those allowed by the development agreement; 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 July 11, 2018; and

**WHEREAS**, the YPC held a properly noticed public hearing on August 22, 2018; and

**WHEREAS**, the public hearing was continued to a date certain on September 26, 2018, and the Yakima Planning Commission reopened the record to hear testimony from the public, consider the Amendment and Rezone, and provide a recommendation to the Yakima City Council; 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 October 3, 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 October 3, 2018 findings, conclusions, and recommendation of the Yakima Planning Commission for CPA#005-18 and RZ#006-18. 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 13<sup>th</sup> 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  
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**YAKIMA PLANNING COMMISSION**  
**RECOMMENDATION TO THE YAKIMA CITY COUNCIL**  
**FOR**  
**COMPREHENSIVE PLAN AMENDMENT AND REZONE**  
**CPA#005-18, RZ#006-18**

**October 3, 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 West Valley Nursing Homes LLC., to retain the Comprehensive Plan Future Land Use Map Designation of Mixed Residential, and retain the zoning designation of Multi-family Residential (R-3), while removing the existing development agreement (R-2012-155) from the site, parcels: 181206-21001, 181206-21005, 181206-21007, 181206-21401, & 181206-21402 (City File CPA#005-18, RZ#006-18); 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#008-18); and

**WHEREAS,** The YPC held a study session to review this Comprehensive Plan Amendment and Rezone on July 11, 2018; and

**WHEREAS,** The Yakima Planning Commission held an open record public hearing on August 22, 2018 to hear testimony from the public, consider the Amendment and Rezone, and provide a recommendation to the Yakima City Council; and

**WHEREAS,** the public hearing on August 22, 2018, was continued to a date certain on September 26, 2018, and the Yakima Planning Commission reopened the record 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:**

<b>APPLICATION #</b>	CPA#005-18, RZ#006-18
<b>APPLICANT:</b>	Hordan Planning Services on Behalf of West Valley Nursing Homes LLC.
<b>APPLICANT ADDRESS:</b>	410 N 2 <sup>nd</sup> St., Yakima, WA 98901
<b>PROJECT LOCATION:</b>	Vicinity of S 85th Ave. and Occidental Rd.
<b>PARCEL(S):</b>	181206-21001, 181206-21005, 181206-21007, 181206-21401, & 181206-21402

**FINDINGS OF FACT**

1. History of the project: On August 8, 2012, the City of Yakima Planning Commission processed a comprehensive Plan Amendment and rezone to Approve the amendment request from Moderate Density Residential to High Density Residential to accommodate a concurrent rezone from R-2, Two-family Residential to R-3, Multi-family Residential. The City of Yakima approved the land use redesignation and rezone on October 2, 2012, with adoption of Ordinance No 2012-035 This Property Use and Development Agreement (R-2012-155) is prepared in accordance with conditions set forth in Ordinance 2012-035.
2. The applicant requests to retain the current Comprehensive Plan Future Land Use Map designation of Mixed Residential and retain the current zoning of Multi-family Residential (R-3).
3. The subject parcels are approximately 20.98 acres in size and are surrounded by residential/vacant property.
4. The City of Yakima Planning Division provided a detailed staff report to the Planning Commission for review during their August 22, 2018 public hearing.
5. The applicant requested the Planning Commission continue the public hearing to a date certain in an effort to address some of the concerns from the surrounding neighbors.
6. The public hearing was continued to a date certain on September 26, 2018 and the City of Yakima Planning Division provided a detailed staff report to the Planning Commission with a recommendation of APPROVAL of the proposed amendment and rezone.
7. The proposed Comprehensive Plan Amendment is consistent with the applicable approval criteria in YMC § 16.10.040, as follows:
  - a. This project is being processed to expand the types of future development options available to the subject site.
  - b. The Mixed Residential 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, the property will remain Mixed Residential and, there will still be no net change to the Commercial Mixed-Use Future Land Use designation property within the city limits.
8. The proposed retention of the Mixed Residential Future Land Use designation and Multi-family(R-3) zoning district, with the removal of the existing development agreement 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, and removal of the existing development agreement (R-2012-155) for parcels 181206-21001, 181206-21005, 181206-21007, 181206-21401, and 181206-21402.
  - b. Bill Hordan submitted a map outlining a portion of land on the eastern part of the site the applicant would like to have retained as Single Family (R-1) zoning district, providing a buffer between the existing R-3 zoning district and the single family homes to the east of the site.
  - c. The Yakima Planning Commission agreed to recommend terminating the existing development agreement (R-2012-155) with the proposed R-1 buffer in place.
    - i. Termination of Development Agreement will revert the area shown on the map submitted on September 26, 2018, back to R-1 zoning.
  - d. The property is suitable for uses within the R-3 zoning district and will facilitate a variety of future development options for the subject site.
  - e. The R-3 zoning district is an implementing zone of the Mixed Residential Future Land Use Designation.
  - f. The property is currently capable of being served by all necessary public utilities and can be accessed by public streets.
  - g. The proposed Rezone is considered compatible with the surrounding neighborhood and no mitigation is proposed at this time.
  - h. The public need for this Rezone is to provide additional area for industrial development.

### **CONCLUSIONS**

- 1. The Amendment and Rezone are minor in nature;
- 2. No adverse impacts have been identified;
- 3. Two written comments or testimony was received in opposition to the request;
- 4. This proposal underwent Environmental Review;
- 5. The City of Yakima Planning Division agreed to recommend terminating the existing development agreement (R-2012-155) as long as there was a R-1 zoning buffer between the R-3 zoning district and the existing single family residential homes to the east of the site.
- 6. The proposed Comprehensive Plan Future Land Use Map Amendment retaining the current Mixed Residential designation and Multi-family (R-3) zoning designation, while removing the currently existing development agreement, is consistent with the Yakima Urban Area Zoning Ordinance and Yakima Comprehensive Plan 2040.

### **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 retention of the Comprehensive Plan Future Land Use designation of Mixed Residential and Multi-family (R-3) zoning district for files CPA#005-18 and RZ#006-18, and TERMINATE the existing Development Agreement (R-2012-155) which will revert the portion of property identified on the map back to R-1.

RECOMMENDED this 3<sup>rd</sup> day of October 2018.

By: \_\_\_\_\_



**Patricia Byers, Chair/  
Yakima Planning Commission**

**Exhibit "B"**  
**Legal Description**

Parcel 181206-21401:

Section 06 Township 12 Range 18 Quarter NW: SP 79-47 LOT 1 EX NW 30X30 FT SITE TRIANGLE

Parcel 181206-21402:

Section 06 Township 12 Range 18 Quarter NW: SP 79-47 LOT 2

Parcel 181206-21001:

Section 06 Township 12 Range 18 Quarter NW: BEG SW COR GOV LOT 2, TH E 280, TH N 02 D 10' W 105.2 FT, TH N 28 D 50' 20" W 145.8 FT TO TRUE POB, TH S 28 D 50' 20" E 145.8 FT, TH S 17 D 14' 20" E 105.2 FT, TH W 1614 FT, TH N 4 D 06' E 70 FT, TH N 78 D 55' E 263 FT, TH N 6 D 15' E 62 FT, TH N 89 D 38' E 1319 FT M OR L TO TRUE POB

Parcel 181206-21007:

Section 06 Township 12 Range 18 Quarter NW: BEG 180.5 FT N OF SE COR GOV LOT 3, TH N 89° 30' 00" W 1065.9 FT, TH N 06° 15' 00" E 519.6 FT, TH E 786.4 FT, TH S 215.3 FT, TH E 305.6 22' 30" W 101.22 FT TH S 87° 02' 10" E 148.78 FT, TH S 01° 02' 00" W 43.75 FT, TH S 53° 33' 00" E 42.92 FT TH S 28° 50' 20" E 145.8 FT, TH W TO BEG

Parcel 181206-21005:

Section 06 Township 12 Range 18 Quarter NW: BEG N 89° 56' 39" W 12.33 FT OF NE COR GOV LOT 3, TH W 306.19 FT, TH S 215.3 FT, TH E 305.67 FT, TH N 22' 30" E 316.52 FT TO BEG EX N CO RD R/W RD R/W

Except:

- 1- That part of Government Lot 3 of Section 6, Township 12 North, Range 18 East, W.M. described as follows:  
Beginning at the Northeast corner of said Lot 3, thence South 0° 00' East along the east line thereof 215.30 feet to the true point of beginning, thence continuing South 0° 00' East 101.92 feet, thence North 87° 02' 10" West 13.90 feet, thence North 0° 22' 30" East 101.22 feet, thence South 89° 56' 39" East 12.33 feet to the true point of beginning,
- 2- That portion of the above described parcel lying West of the following described line:  
Beginning at a point on the North boundary of said parcel 100 feet West of the Northeast corner thereof, said Northeast corner being the Northwest corner Lot 2 of Short Plat no. 84-86, records of Yakima County, Washington, then South, parallel with the West boundary of said Lot 2 to the South boundary of the above described parcel and terminus of said line.