

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

**AN ORDINANCE** amending the Future Land Use Map and Zoning Map of the City of Yakima for parcels 191330-14510 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)

**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 27, 2018 Hordan Planning Services, on behalf of Israel Zaragoza, submitted applications for Comprehensive Plan Amendment, Rezone, and Environmental Review (CPA#006-18, RZ#007-18, SEPA#009-18) requesting to change the Future Land Use Map designation for parcels 191330-14510, 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 July 11, 2018; and

**WHEREAS**, the YPC held a properly noticed public hearing on August 22, 2018, and heard the staff presentation regarding the proposed CPA and Rezone, held a public hearing, considered the public testimony; 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 with a condition that parcels 191330-14510 and 191330-14571 be merged; and

**WHEREAS**, the YPC recommendation was signed by the Chair on September 5, 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 September 5, 2018 findings, conclusions, and recommendation of the Yakima Planning Commission for CPA#006-18 and RZ#07-18. 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  
Joseph Calhoun, Manager  
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**YAKIMA PLANNING COMMISSION**

**RECOMMENDATION TO THE YAKIMA CITY COUNCIL  
FOR  
COMPREHENSIVE PLAN AMENDMENT AND REZONE  
CPA#006-18, RZ#007-18**

**September 5, 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 Israel Zaragoza, 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: 191330-14510 (City File CPA#006-18, RZ#007-18); 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#009-18); 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;

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

**APPLICATION #** CPA#006-18, RZ#007-18  
**APPLICANT:** Hordan Planning Services on behalf of Israel Zaragoza.  
**APPLICANT ADDRESS:** 410 N 2<sup>nd</sup> St., Yakima, WA 98901  
**PROJECT LOCATION:** 1317 S 7<sup>th</sup> St.  
**PARCEL(S):** 191330-14510

**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).
2. The subject parcels are approximately .15 acres in size and are surrounded by residential and commercial properties.
3. The City of Yakima Planning Division provided a detailed staff report to the Planning Commission for review during their August 22, 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. This project is being processed to facilitate the future parking lot expansion of the existing business located at 703 E. Nob Hill.
  - 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 this amendment will remove Mixed Residential and, there will still be approximately 565.88 acres of Mixed Residential designated property within the city limits.
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. Two parties spoke against the proposal during the public hearing with the Planning Commission:
    - i. The first testimony came from LeRoy Pacheco. He spoke against the project citing concerns with excess traffic along S. 7<sup>th</sup> St. that would come from the expansion of the adjacent business, and that there are currently an excessive amount of cars parking along S 7<sup>th</sup> St. at this time. He also mentioned the noise coming out of the existing business beyond 10 p.m.
    - ii. The second comments came from Rita Garza. She spoke against the expansion of the business at 703 E. Nob Hill commenting that the traffic along and parking along S 7<sup>th</sup> St. was overcrowded. She also mentioned that the lights on the adjacent business were too bright and shining onto her property. Additionally, she mentioned that some of the workers who were working at the business located 703 E Nob Hill were rude and



disrespectful to her when she approached them, asking what was happening on the property.

- c. The Planning Commission acknowledged the comments from the public testimony, and posed the question, would creating a parking lot, with restricted access to help to alleviate some of the parking congestion along 7<sup>th</sup> St? The Planning Commission also discussed merging the subject site with the parcel to the south to make one cohesive site for the business located at 703 E. Nob Hill.
- d. The Planning Commission also discussed the appropriateness of merging the site at 703 E. Nob Hill with the subject site at 1317 S. 7<sup>th</sup> St. The Commission concluded that merging the site would create a more cohesive site and would be a necessary action as part of the Comprehensive Plan and Rezone applications.
- e. The property is suitable for uses within the GC zoning district and will facilitate an expansion of an existing business to alleviate on-street parking congestion.
- f. The GC zoning district is an implementing zone of the Commercial Mixed Use Future Land Use Designation.
- g. The property is currently capable of being served by all necessary public utilities and can be accessed by public streets.
- h. The proposed Rezone is considered compatible with the surrounding neighborhood and no mitigation is proposed at this time. Future development will be limited in access.
- i. The public need for this Rezone is to provide additional area for off-street parking to alleviate current on-street parking conditions along S. 7<sup>th</sup> St.

#### **CONCLUSIONS**

- 1. The Amendment and Rezone are minor in nature;
- 2. No adverse impacts have been identified that cannot be mitigated through the project review;
- 3. The subject site at 1317 S. 7<sup>th</sup> St., parcel number 191330-14510, shall merge with the parcel located 703 E. Nob Hill, parcel number 191330-14571.
- 4. One written comment and testimony was received in opposition to the request;
- 5. This proposal underwent Environmental Review;
- 6. 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.

#### **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#006-18 and RZ#007-18 subject to the following condition:

1. The subject site at 1317 S. 7<sup>th</sup> St., parcel number 191330-14510, shall merge with the parcel located 703 E. Nob Hill, parcel number 191330-14571.

RECOMMENDED this 5<sup>th</sup> day of September 2018.

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

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

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

Parcel 191330-14510:

Section 30 Township 13 Range 19 Quarter NE: RHINES FAIRVIEW ADD LOT 16 BLK 2